4082. By Mr. MEAD: Petition of New York State Fish, Game, and Forest League, requesting the Federal Government to establish a game refuge in the Tonawanda swamp; to the Committee on Agriculture.

4083. Also, petition of dairymen and milk producers of Erie County, N. Y., in support of tariff on casein; to the Committee on Ways and Means.

4084. By Mr. MENGES: Petition of Adam Keesey and other citizens of York and York County, Pa., urging the early passage of Senate bill 476 and House bill 2562, which provide for increased rates of pension to the men who served in the armed forces of the United States during the Spanish-American War; to the Committee on Pensions.

4085. Also, petition of John A. Almoney and other citizens of York and York County, Pa., urging the early passage of Senate bill 476 and House bill 2562, which provide for increased rates of pension to the men who served in the armed forces of the United States during the Spanish-American War; to the Committee on Pensions.

4086. By Mr. MOORE of Virginia: Petition of Darrie E. Chambers, Charles W. Skinner, E. A. Payne, and others, requesting early consideration of House bill 2562; to the Committee on Pensions.

4087. By Mr. MOUSER: Petition of citizens of Mount Gilead, Ohio, in behalf of House bill 2562 and Senate bill 476; to the Committee on Pensions.

4088. By Mr. O'CONNELL of New York: Petition of William A. Lawton, 609 Central Avenue, Brooklyn, N. Y., and 40 other citizens of Brooklyn, N. Y., favoring the passage of Senate bill 476 and House bill 2562, Spanish War increase pension bill; to the Committee on Pensions.

4089. By Mr. O'CONNOR of Oklahoma: Petition of O. A. Stenier and 78 other citizens of Tulsa, Okla., asking for early enactment of the pension measure providing for increased pensions for Spanish-American veterans; to the Committee on Pensions.

4090. Also, petition of W. M. Parris and 34 other citizens of Strang, Okla., praying for early enactment of House bill 2562, providing for increased pensions of the Spanish-American War veterans; to the Committee on Pensions.

4091. By Mr. HENRY T. RAINEY: Petition signed by Wilbur Boyd and 44 other citizens of Jacksonville, Morgan County, Ill., petitioning for speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

4092. By Mr. SANDERS of New York: Petition of 10 citizens of East Avon, N. Y., favoring immediate passage of legislation increasing the rate of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

4093. By Mr. SANDERS of Texas: Petition of Carpenters Local Union No. 213, of Houston, Tex., urging passage of the John C. Box immigration bill; to the Committee on Immigration.

4094. Also, petition of John W. Pate and numerous other citizens of Kaufman and Henderson Counties, Tex., urging favorable action on Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

4095. By Mr. SELVIG: Petition of P. Becken, president Erskine (Minn.) Chapter of Izaak Walton League of America, composed of 25 members, urging that Congress enact House bill 7994, the "Bald eagle protection bill"; to the Committee on Agriculture.

4096. Also, petition of Prof. Jennings C. Litzenberg, of the University of Minnesota Medical School, urging enactment of House bill 8807, whose purpose is to enlarge and strengthen the United States Public Health Service; to the Committee on Appropriations.

4097. Also, petition of H. C. Holzgrove, A. C. Deike, H. E. Bull, and 50 other residents of Detroit Lakes, Minn., urging the enactment of House bill 2562, providing for increased pension rates for veterans of the Spanish-American War; to the Committee on Pensions.

4098. Also, petition of H. J. Widenhoefer, secretary Fisher (Minn.) Chapter of Izaak Walton League, urging Congress to enact House bill 7994, the "Bald eagle protection bill"; to the Committee on Agriculture.

4099. By Mr. SOMERS of New York: Petition of certain citizens of Brooklyn, N. Y., urging favorable legislation for Spanish-American War veterans; to the Committee on Pensions.

4100. By Mr. SPEAKS: Petition signed by 67 citizens of Columbus, Ohio, urging passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

4101. By Mr. TEMPLE: Resolutions of the Public Service Commission of the Commonwealth of Pennsylvania, protesting against the enactment of Senate bill 6, which proposes the extension of Federal jurisdiction in the regulation of telephone and electric light and power utilities; to the Committee on Interstate and Foreign Commerce.

4102. By Mr. UNDERHILL: Petition of the people of Massachusetts in behalf of legislation for the United Spanish War Veterans; to the Committee on Pensions.

4103. By Mr. UNDERWOOD: Petition of W. E. Hammond and others, of Lancaster, Ohio, asking for legislation providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War; to the Committee on Pensions.

4104. By Mr. WYANT: Petition of 679 members of Crystal Council, No. 300, Junior Order United American Mechanics, of Jeannette, Pa., indorsing bill to place Mexican immigration on quota basis; indorsing bill to make the Star-Spangled Banner official national anthem; and opposing repeal of national-origins clause of immigration law; to the Committee on Immigration and Naturalization.

4105. By Mr. YATES: Memorial of chamber of commerce, Danville, Ill., urging adequate tariff protection against foreign importation on soybeans, amounting to 45 cents a bushel; to the Committee on Ways and Means.

4106. By Mr. YON: Petition of L. E. Rice, F. E. Lehalbe, M. Brash, G. B. Truman, J. H. Kirby, J. G. Bruce, and others of Apalachicola, Franklin County, Fla., favoring increase of pension for Spanish War veterans; to the Committee on Pensions.

SENATE

WEDNESDAY, *February 5, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

RENUMBERING OF SECTIONS AND PARAGRAPHS OF TARIFF BILL

Mr. SMOOT. Mr. President, from the Committee on Finance I am instructed to report back favorably without amendment the concurrent resolution (S. Con. Res. 25), submitted by me on yesterday, and I ask unanimous consent for its immediate consideration.

I will state that in the consideration of the tariff bill and the adoption of various amendments in the form of new paragraphs and subparagraphs, sections and subsections, it has become necessary, of course, to change the numbers and letters of other paragraphs, sections, and subsections of the bill. In order to expedite the work of the conference committee the concurrent resolution provides that after the adoption of the conference report the Clerk of the House shall have authority, in respect of sections, subsections, paragraphs, and subparagraphs, numbers and letters, and cross references thereto, to make such changes as may be necessary or appropriate. The concurrent resolution has been approved by every member of the Committee on Finance on both sides of the Chamber. It will save the conference committee a great deal of work and likewise will save a great deal of unnecessary printing.

Mr. BRATTON. Mr. President, may I ask the Senator from Utah if this is agreeable to all members of the committee?

Mr. SMOOT. It is agreeable to all members of the committee.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was read, considered, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That in the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes, section, subsection, paragraph, and subparagraph numbers and letters, and cross references thereto, inserted or stricken out by the Senate, shall not be treated as amendments of the Senate, nor included in the engrossed amendments of the Senate; and in the enrollment of such bill, after the adoption of the conference report by both Houses, the Clerk of the House is authorized to make, in respect of section, subsection, paragraph, and subparagraph numbers and letters, and cross references thereto, such changes as may be necessary or appropriate.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fess	Keyes	Shortridge
Ashurst	Fletcher	La Follette	Simmons
Baird	George	McCulloch	Smith
Barkley	Gillett	McKellar	Smoot
Bingham	Glass	McMaster	Steck
Black	Glenn	McNary	Steiwer
Blaine	Goff	Metcalf	Stephens
Blease	Goldsborough	Moses	Sullivan
Borah	Gould	Norbeck	Swanson
Bratton	Greene	Norris	Thomas, Idaho
Brock	Hale	Nye	Thomas, Okla.
Brookhart	Harris	Oddie	Townsend
Broussard	Harrison	Overman	Trammell
Capper	Hatfield	Patterson	Tydings
Caraway	Hawes	Phipps	Vandenberg
Connally	Hebert	Pine	Wagner
Copeland	Heflin	Ransdell	Walsh, Mass.
Couzens	Howell	Robinson, Ind.	Walsh, Mont.
Cutting	Johnson	Robsion, Ky.	Watson
Deneen	Jones	Schall	Wheeler
Dill	Kean	Sheppard	

Mr. TOWNSEND. I desire to announce that my colleague the senior Senator from Delaware [Mr. HASTINGS] is detained from the Senate on account of illness in his family. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the Naval Arms Conference meeting in London, England. Let this announcement stand for the day.

I also wish to announce that the senior Senator from Nevada [Mr. PITTMAN] and the junior Senator from Arizona [Mr. HAYDEN] are necessarily absent from the Senate attending a conference in the West relating to the diversion of the waters of the Colorado River. I wish this announcement to stand for the day.

I also desire to announce that the Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

Mr. NYE. I wish to announce that my colleague [Mr. FRAZIER] is unavoidably absent from the city. I ask that this statement may stand for the day.

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

Mr. THOMAS of Oklahoma presented petitions of sundry citizens of Mangum, Okla., praying for the passage of legislation granting increased pensions to Spanish War veterans, which were ordered to lie on the table.

Mr. WALSH of Massachusetts presented petitions numerously signed by sundry citizens of Boston, Lynn, Northboro, Palmer, and Springfield, all in the State of Massachusetts, praying for the passage of legislation granting increased pensions to Spanish War veterans, which were ordered to lie on the table.

Mr. BLAINE presented a resolution adopted by the Common Council of the city of Milwaukee, Wis., favoring the passage of House Joint Resolution 167, directing the President to proclaim October 11 of each year as General Pulaski's Memorial Day, etc., which was referred to the Committee on the Library.

Mr. ALLEN presented a resolution adopted by the Public Service Commission of the State of Kansas, opposing the passage of the so-called Couzens bill, being the bill (S. 6) to provide for the regulation of the transmission of intelligence by wire or wireless, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the Public Service Commission of the State of Kansas, favoring the passage of the bill (S. 3042) to amend the interstate commerce act, as amended, to permit common carriers to give free carriage or reduced rates to State commissions exercising jurisdiction over common carriers, which was referred to the Committee on Interstate Commerce.

Mr. BINGHAM presented petitions of sundry citizens of Hartford, West Hartford, New Britain, East Berlin, and Wethersfield, all in the State of Connecticut, praying for the passage of legislation granting increased pensions to Spanish War veterans, which were ordered to lie on the table.

He also presented the petition of John Hay Lodge, No. 61, Knights of Pythias, of Hartford, Conn., praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

He also presented a resolution adopted by the Hartford section of the Council of Jewish Women, at Hartford, Conn., opposing any change in the existing calendar which would include a blank day or any other device by which the fixed periodicity of the Sabbath would be disarranged, which was referred to the Committee on Foreign Relations.

He also presented the petition of members of the Kaahumanu Society of Hawaii, praying for the largest possible measure of naval reduction at the pending conference in London, which was referred to the Committee on Foreign Relations.

He also presented resolutions of the League of Republican Women of Meriden and the Foreign Missionary Society of the Grace Methodist Episcopal Church, of New Haven, in the State of Connecticut, favoring the ratification of the proposed World Court protocol, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Morning Music Club, the Outdoor Circle, St. Andrews Guild and Auxiliary, and the Catholic Woman's Aid Society, the Free Kindergarten and Childrens' Aid Association, the Woman's Christian Temperance Union, the Daughters and Sons of Hawaiian Warriors, officers and members of the Kapiolani Maternity Home, the Women's International League for Peace and Freedom, the Maui Professional Women's Club, the Maui Women's Club, the League of Women Voters of the Territory of Hawaii, the Young Women's Christian Association, and the Kaahumanu Society of Hawaii and Maui, all of the Territory of Hawaii, favoring the prompt ratification of the proposed World Court protocol, which were referred to the Committee on Foreign Relations.

LIBERALIZATION OF CONTEMPT OF COURT PROCESS

Mr. VANDENBERG. Mr. President, the New York Press Association has adopted a resolution urging Congress to approve Senate bill 1726, now pending in the Judiciary Committee, and proposing to liberalize the contempt of court process. I ask that the resolution be printed in the RECORD and referred to the Judiciary Committee.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Resolution

Whereas increasing instances are becoming matters of record in which judges have acted both as challenger and judge in dealing with cases of indirect contempt, affecting newspaper workers and their presentation of editorial comment and news bearing upon the conduct of those courts of justice and the judges presiding over them; and

Whereas we regard the freedom of the press essential to preservation of the best in government of Nation, State, and minor civic divisions, as well as to maintain the honored traditions of the press in the United States: Be it

Resolved, That the New York Press Association, assembled in its seventy-eighth annual convention in Syracuse, N. Y., goes on record indorsing the bill of United States Senator ARTHUR H. VANDENBERG, of Michigan, which would assure impartial tribunals in litigation of this nature.

E. D. TOBEY,
FRED W. BLAUVELT,
R. JOHN SPOONER,
Committee on Resolutions.

Dated, Syracuse, N. Y., February 1, 1930.
Passed unanimously.
Certified from the records.
[SEAL.] JAY W. SHAW, *Secretary.*

EXECUTIVE REPORTS

Mr. GEORGE, as in open executive session, from the Committee on Finance, reported the nomination of Annabel Matthews, of Gainesville, Ga., to be a member of the United States Board of Tax Appeals for the unexpired term of 10 years ending June 1, 1936, in place of William R. Green, jr., resigned, which was ordered to be placed on the Executive Calendar.

Mr. BORAH, as in open executive session, from the Committee on Foreign Relations, reported the nomination of Claude H. Hall, jr., of Maryland, now a Foreign Service officer, unclassified, and a vice consul of career, to be also a secretary in the Diplomatic Service of the United States of America, which was ordered to be placed on the Executive Calendar.

He also, as in open executive session, from the same committee, reported a convention, which was ordered to be placed on the Executive Calendar.

Mr. PHIPPS, as in open executive session, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were ordered to be placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Massachusetts:

A bill (S. 3437) for the relief of Arthur B. Giroux; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 3438) authorizing an appropriation to aid in the erection of a statue of Theodore Roosevelt on Battle Rock, in Port Orford Harbor, Oreg.; to the Committee on the Library.

By Mr. THOMAS of Oklahoma:

A bill (S. 3439) granting a pension to Louisa C. Allen Bonderer (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3440) authorizing the exchange of 663 square feet of property acquired for the park system for 2,436 square feet of neighboring property, all in the Klingle Ford Valley, for addition to the park system of the National Capital; and

A bill (S. 3441) to effect the consolidation of the Turkey Thicket Playground, Recreation, and Athletic Field; to the Committee on the District of Columbia.

By Mr. SCHALL:

A bill (S. 3442) to amend the third proviso of section 202 of the World War veterans' act, 1924, as amended; to the Committee on Finance.

By Mr. PHIPPS:

A bill (S. 3443) granting a pension to Alfred Charles Plaude (with accompanying papers); to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 3444) to amend the Federal farm loan act with respect to receiverships of joint-stock land banks, and for other purposes; to the Committee on Banking and Currency.

A bill (S. 3445) to amend the United States mining laws applicable to the national forests within the State of South Dakota; to the Committee on Public Lands and Surveys.

By Mr. VANDENBERG:

A joint resolution (S. J. Res. 138) directing the President to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Library.

AMENDMENT TO THE TARIFF BILL

Mr. ODDIE submitted an amendment intended to be proposed by him to House bill 2667, the tariff revision bill, which was ordered to lie on the table, and to be printed.

REPORTS OF PUBLIC-UTILITY COMPANIES OF THE DISTRICT OF COLUMBIA (S. DOC. NO. 80)

Mr. CAPPER. Mr. President, I have here the annual reports of the public-utility companies in the District of Columbia, and, in accordance with the usual custom, I submit an order that they be printed as a Senate document.

There being no objection, the order was agreed to, as follows:

Ordered, That the annual reports of the following-named public-utility companies in the District of Columbia, for the year ended December 31, 1929, heretofore transmitted to the Senate, be printed as a Senate document: Capital Traction Co., Chesapeake & Potomac Telephone Co., Georgetown Barge, Dock, Elevator & Railway Co., Georgetown Gas Light Co., Potomac Electric Power Co., Washington Gas Light Co., Washington Interurban Railroad Co., and Washington Railway & Electric Co.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 322. An act for the relief of Kenneth A. Rotharmel;
H. R. 323. An act for the relief of Clara Thurnes;
H. R. 389. An act for the relief of Kenneth M. Orr;
H. R. 414. An act for the relief of Angelo Cerri;
H. R. 472. An act for the relief of Thomas T. Gessler;
H. R. 545. An act for the relief of Arthur N. Ashmore;
H. R. 560. An act for the relief of Charles Beretta, Isidore J. Proulx, and John J. West;
H. R. 563. An act for the relief of Frank Yarlott;
H. R. 564. An act for the relief of Josephine Laforge (Sage Woman);
H. R. 565. An act for the relief of Clarence Stevens;
H. R. 597. An act for the relief of M. L. Willis;
H. R. 745. An act for the relief of B. Frank Shetter;
H. R. 864. An act for the relief of W. P. Thompson;
H. R. 910. An act for the relief of William H. Johns;
H. R. 940. An act for the relief of James P. Hamill;
H. R. 1110. An act for the relief of heirs of Warren C. Vesta;
H. R. 1174. An act for the relief of A. N. Worstell;
H. R. 1251. An act for the relief of C. L. Beardsley;
H. R. 1312. An act for the relief of J. W. Zornes;
H. R. 1481. An act for the relief of James C. Fritzen;
H. R. 1494. An act for the relief of Maj. O. S. McCleary, United States Army, retired;
H. R. 1510. An act for the relief of Thomas T. Grimsley;
H. R. 1559. An act for the relief of John T. Painter;
H. R. 1794. An act to authorize the payment of an indemnity to the owners of the British steamship *Kyleakin* for damages sustained as a result of a collision between that vessel and the U. S. S. *William O'Brien;*
H. R. 2011. An act to authorize the Secretary of War to settle the claims of the owners of the French steamships *P. L. M. 4* and *P. L. M. 7* for damages sustained as the result of collisions between such vessels and the U. S. S. *Henderson* and *Lake Charlotte*, and to settle the claim of the United States against the owners of the French steamship *P. L. M. 7* for damages sustained by the U. S. S. *Pennsylvanian* in a collision with the *P. L. M. 7;*
H. R. 2047. An act for the relief of R. P. Biddle;
H. R. 2983. An act for the relief of Samuel F. Tait;
H. R. 3097. An act for the relief of Capt. George G. Seibels, Supply Corps, United States Navy;
H. R. 3098. An act for the relief of Capt. Chester G. Mayo, Supply Corps, United States Navy;
H. R. 3100. An act for the relief of Capt. P. J. Willett, Supply Corps, United States Navy;
H. R. 3101. An act for the relief of Lieut. Arthur W. Babcock, Supply Corps, United States Navy;
H. R. 3118. An act for the relief of the Marshall State Bank;
H. R. 5901. An act for the relief of the estate of Martin Preston, deceased;
H. R. 6259. An act for the relief of Alma Rawson;
H. R. 6414. An act authorizing the Court of Claims of the United States to hear and determine the claim of the city of Park Place, heretofore an independent municipality, but now a part of the city of Houston, Tex.;
H. R. 6651. An act for the relief of John Golombiewski;
H. R. 6760. An act for the relief of Clara E. Wight;
H. R. 6932. An act to reimburse the estate of Mary Agnes Roden;
H. R. 7069. An act for the relief of the heirs of Viktor Pettersson;
H. R. 7356. An act for the relief of the American Foreign Trade Corporation and Fils d'Aslan Fresco;
H. R. 7855. An act for the relief of Carl Stanley Sloan, minor Flathead allottee;
H. R. 7964. An act to authorize the issuance of a fee patent for block 23 within the town of Lac du Flambeau, Wis., in favor of the local public-school authorities;
H. R. 8242. An act for the relief of George W. McPherson; and
H. R. 8304. An act for the relief of Ida E. Godfrey and others.

MAKING CONSTITUTIONAL AMENDMENTS

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to print in the RECORD an article of timely interest, with copious historical references, published in the Saturday Evening Post, entitled "Making Amendments," written by the senior Senator from Arizona [Mr. ASHURST].

The article discusses three proposed amendments, to wit:

First. To abolish the short sessions of Congress.

Second. To ratify amendments by vote of the people instead of by the legislatures.

Third. To limit the time within which amendments may be ratified.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

[From the Saturday Evening Post, April 25, 1929]

MAKING AMENDMENTS

By HENRY F. ASHURST, United States Senator from Arizona

The Constitution of the United States—Article II, section 1—ordains that the President and Vice President shall hold office for the term of four years, but does not provide when the term shall commence. The only recognition of the 4th of March succeeding the day of a Presidential election as the day of the commencement of the terms of the President and the Vice President is the provision in the twelfth amendment to the Constitution, effective September 25, 1804, that—

"If the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President."

This would probably be construed to be a provision that the term of the President expires on the 4th of March after a presidential election—that a vacancy would then exist—in which event the Vice President would succeed to the office.

The time when the presidential electors shall be elected and the date on which they shall meet and give their votes is, by Article II, section

1, of the Constitution, left to the discretion of Congress, with the restriction that the day of voting shall be the same throughout the United States. An act was passed February 3, 1887, requiring them to meet and give their votes on the second Monday in January next following their appointment, at such place in each State as the legislature thereof shall direct, which votes, duly certified to be delivered to the President of the Senate, shall be canvassed by Congress, in joint session, on the second Wednesday in February thereafter.

The Constitution, while providing that Representatives shall hold their offices for two years—Article I, section 2—and Senators for six years—Article I, section 3—does not provide when the terms shall commence.

The commencement of the terms of the first President and Vice President, and of the Senators and Representatives composing the First Congress, was fixed by a resolution of Congress, adopted September 13, 1788, providing "that the first Wednesday in March next"—which happened to be the 4th day of March—"be the time for commencing the proceedings under the Constitution."

Congress has provided—act of March 1, 1792, Revised Statutes, section 152—that the terms of the President and the Vice President shall commence on the 4th day of March next succeeding the day on which the votes of the electors have been given, but there seems to be no statute enacted since the adoption of the Constitution fixing the commencement of the terms of Senators and Representatives.

Under the present law the new Congress does not convene in regular session until 13 months after the election of the Representatives. There was reason for such a provision at the time of the formation of our Federal Government, as it then took about three months to ascertain the result of elections and to reach the Capital from remote parts of the country. But now the most distant States are within a few days' travel of Washington.

Senators heretofore have been elected by the legislatures of the States in January, sometimes not until February or March. But since the adoption of the seventeenth amendment to the Constitution, by which Senators are elected by the people, usually at the November elections, it becomes opportune for Congress to convene in January following. The convening of Congress on the first Monday of December, as at present, is inopportune, as adjournment for the Christmas holidays is always taken and many Members go home, which precludes any real work until January.

Congress should, at the earliest practicable date, enact within the scope of its powers under the Constitution the principles of the majority as expressed in the election of each Congress. That is why the Constitution requires the election of a new House of Representatives every two years. If it be not to reflect the sentiment of the people these frequent elections have no meaning or purpose. Any evasion of this meaning is subversive of the fundamental principle of our Government, that the majority shall rule. No other nation has its legislative body convene so remotely after the expression of the people upon governmental questions.

During the campaign preceding a congressional election the questions that divide the political parties are discussed for the purpose of determining the policy of the Government and of crystallizing the sentiments of the majority into legislation. It seems to be trifling with the rights of the people when their mandates can not be obeyed within a reasonable time. It is unfair to an administration that the legislation which it thinks essential to the prosperity of the country should be so long deferred. It is true an extraordinary session may be called early in March, but such sessions are limited generally to one or two subjects, which of necessity wastes the time of each House, waiting for the other to consider and pass the measures.

At the present time the second regular session does not convene until after the election of the succeeding Congress. As an election often changes the political complexion of a Congress, under the present law we frequently have the injustice of a Congress that has been disapproved by the people enacting laws for the people opposed to their last expression. Such a condition does violence to the rights of the majority. A Member of the House of Representatives barely gets started in his work when the time arrives for renomination. He has accomplished nothing, and hence has made no record upon which to go before his party or his people. This is an injustice both to the Members and to the people. The record of a Representative should be completed before he asks an indorsement.

Under the present system a contest over a seat in the House of Representatives is seldom decided until more than half the term, and in many instances until a period of 22 months of the term has expired. For all that time the occupant of the seat draws the salary, and if his opponent be seated he also draws the salary for the full term; thus the Government pays twice for the representation from that district. But that is not the worst feature of the situation; during all that time the district is being misrepresented, at least politically, in Congress.

An amendment should be adopted eliminating the short session of Congress. The short session is not a good institution. It has been the source of much criticism and ought to be abandoned. No vital governmental questions can be considered during a short session.

The President and the Vice President should enter upon the performance of their respective duties as soon as the new Congress counts the electoral votes. It is the old Congress which now counts the electoral votes. It is dangerous to permit a defeated party to retain control of the machinery by which such important officers are declared elected.

JANUARY WEATHER

If no candidate for President receives a majority of the electoral votes, the Constitution provides that the House of Representatives shall elect the President, each State having one vote. At the present time it is the old House of Representatives that elects the President under such contingency and thereby it becomes possible for a political party repudiated by the people to elect a President. Under the present provision of the Constitution, in the event the House fails to choose a President before the 4th of March, then the Vice President becomes President for four years. This affords a temptation by mere delay to defeat the will of the people, and if it is ever exercised it will lead to grave consequences.

January weather might be inclement for an inaugural parade, but that is a reason too insignificant to constitute a serious argument against a constitutional amendment which would convene the new Congress in the January following their election. Nearly all the governors of States are inaugurated in January. The pomp and ceremony which usually attend the coronations of monarchs are at least not necessary to a republic.

In my opinion, sound public policy requires that each amendment to the Constitution hereafter submitted should contain a limitation of the time within which the States may ratify the particular amendment, as was done in the eighteenth amendment by the following provision:

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

It is startling to reflect upon the complexities that have come and that may come in the future by a continued failure to set a time limit within which a proposed amendment may be ratified.

AMENDMENTS PENDING

Five different amendments proposed by the Congress are now pending before the States for their action. These amendments are as follows:

One proposed September 29, 1789, 135 years ago, relating to enumeration and representation:

"ARTICLE I. After the first enumeration required by the first article of the Constitution there shall be 1 Representative for every 30,000 until the number shall amount to 100, after which the proportion shall be so regulated by Congress that there shall be not less than 100 Representatives, nor less than 1 Representative for every 40,000 persons, until the number of Representatives shall amount to 200, after which the proportion shall be so regulated by Congress that there shall not be less than 200 Representatives nor more than 1 Representative for every 50,000 persons."

Another, proposed September 29, 1789, 135 years ago, relating to compensation of Members of Congress:

"ARTICLE II. No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened."

Another, proposed January 12, 1810, 115 years ago, to prohibit citizens of the United States from accepting presents, pensions, or titles from princes or from foreign powers:

"If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States and shall be incapable of holding any office of trust or profit under them, or either of them."

Another, proposed March 2, 1861, 64 years ago, known as the Corwin amendment, prohibiting Congress from interfering with slavery within the States:

"No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State." (12 Stat. 251.)

And still another, proposed June 2, 1924, the child labor amendment:

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

On September 29, 1789, 12 constitutional amendments were proposed by the First Congress. The requisite number of States ratified proposed articles Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 within two years and three months, while Nos. 1 and 2, although proposed 135 years

ago, have not, according to the latest available returns, received favorable action by the requisite number of States and are yet before the American people or the States; rather, have been for 135 years, and are now subject to ratification or rejection by the States. After those two proposed amendments, to wit: Nos. 1 and 2, had been in nubibus—in the clouds—for 84 years, the Ohio State Senate in 1873, in response to a tide of indignation that swept over the land in opposition to the so-called back-salary grab, resurrected proposed amendment No. 2 and passed a resolution of ratification through the State senate. No criticism can be visited upon the Ohio Legislature that attempted to ratify the amendment proposed in 1789; and if the amendment had been freshly proposed by Congress at the time of the back-salary grab, instead of having been drawn forth from musty tomes, where it had so long lain idle, stale, and dormant, other States doubtless would have ratified it during the period from 1873 to 1881.

CONTEMPORANEOUS ACTION

Thus it would seem that a period of 135 years within which a State may act is altogether too long. We should not hand down to posterity a conglomerate mass of amendments floating around in a nebulous haze, which a State here may resurrect and ratify and a State there may galvanize and ratify.

We ought to have homogeneous, steady, united exertion, and certainly we should have contemporaneous action with reference to proposed amendments. Judgment on the case should be rendered within the lifetime of those interested in bringing about the change in our fundamental law. Final action should be had while the discussions and arguments are within the remembrance of those who are called upon to act.

The amendment proposed on January 12, 1810, was submitted to the States under peculiar auspices.

It is probable that the Congress which submitted that amendment believed that when officials accept presents of value they dissolve the pearl of independence in the vinegar of obligation.

Unfortunately, the annals of Congress and contemporary newspapers do not give any of the debate upon this interesting proposition. The only light thrown upon the subject by the annals is the remarks of Mr. Macon, who said "he considered the vote on this question as deciding whether or not we were to have members of the Legion of Honor in this country."

What event connected with our diplomatic or political history suggested the need of such an amendment is not now apparent, but it is possible that the presence of Jerome Bonaparte in this country a few years previous, and his marriage to a Maryland lady, may have suggested this amendment.

An article in Niles' Register, volume 72, page 166, written many years after this event, refers to an amendment having been adopted to prevent any but native-born citizens from being President of the United States. This is, of course, a mistake, as the Constitution in its original form contained such a provision; but it may be possible that the circumstances referred to by the writer in Niles' relate to the passage through Congress of this amendment. The article referred to maintains that at the time Jerome Bonaparte was in this country the Federalist Party, as a political trick, affecting to apprehend that Jerome might find his way to the Presidency through "French influence," proposed the amendment. The Federalists thought the Democrats would oppose the amendment as unnecessary, which would thus appear to the public as a further proof of their subserviency to French influence. The Democrats, to avoid this imputation, concluded to carry the amendment.

"It can do no harm" was what reconciled all to the amendment.

That amendment was submitted by Congress 115 years ago, and it was ratified within two years by Maryland, Kentucky, Ohio, Delaware, Pennsylvania, New Jersey, Vermont, Tennessee, Georgia, North Carolina, Massachusetts, and New Hampshire. It was rejected by two or three of the States. At one period of our national life the histories and the public men announced that it was a part of our organic law, and this error arose because in the early days of our Government the Secretary of State did not send messages to Congress announcing ratification and did not promulgate any notice as to when an amendment became a part of the Constitution. I have caused the journals, records, and files in the Department of State to be searched, and there may not be found any notice of any proclamation of the ratification of the first 10 amendments to the Constitution. The States assumed—it was not an unwarranted or violent assumption—that when the requisite number of States had ratified an amendment it was then and there a part of our organic law.

On March 2, 1861, the Corwin amendment, quoted above, was proposed by Congress.

There are not a hundred persons in the United States who know that such an amendment is now pending before the various States of the Union for their ratification. The amendment was ratified by the State of Ohio and by the State of Maryland through their legislatures, and was attempted to be ratified by the State of Illinois in 1862 by a convention.

Thus we perceive that a system which permits of no limitation as to the time when an amendment may be voted upon by the State legislatures is not fair to posterity or to the present generation. It keeps historians, publishers, and annalists, as well as the general public, constantly in doubt.

Having searched closely as to whether there is in the Constitution itself any expressed or implied limitation of time as to when an amendment may be adopted, I am driven irresistibly to the conclusion, with all due deference to the opinion in Dillon *v.* Gloss (256 U. S. Repts. p. 368) that an amendment to the Constitution once having been duly proposed, although proposed as remotely as September 29, 1789, may not be recalled even by the unanimous vote of both Houses, if the Congress wished the same recalled, because the power to submit an amendment is specifically pointed out; but no power is given to recall the same, and silence is negation.

I am of opinion that a State which rejects a proposed amendment may, of course, at any time thereafter ratify the same, and a State which adopts or ratifies a proposed amendment may withdraw its ratification, provided it withdraws such ratification before the required number of States shall have ratified.

SIXTY YEARS OF IMMOBILITY

Neither the legislatures of the various States nor conventions therein should be eligible to ratify proposed amendments to the Federal Constitution. The qualified electors themselves should be the only authority eligible to ratify proposed amendments to the Constitution of the United States.

Amendments have come by amendment epochs. For all practical purposes the first 10 amendments—the Bill of Rights—will be herein considered as a part of the original Constitution. The eleventh and twelfth amendments were adopted in the 10-year period between 1794 and 1804; the eleventh was brought about by the decision of the Supreme Court in the case of Chisholm *v.* Georgia (2 Dallas, 419), which held that a State could be sued by an individual citizen of another State; the twelfth was brought about by the tie in the electoral college between Thomas Jefferson and Aaron Burr. Call that the first amendment epoch. Then, notwithstanding that many score of amendments were introduced in Congress and two were submitted between 1804 and 1864, no amendment was adopted; thus there was a 60-year period of immobility with respect to amending our Federal Constitution.

Then came the second amendment epoch, which began in 1865 and lasted until 1870. In that 5-year period the thirteenth, fourteenth, and fifteenth amendments were proposed and ratified.

Then came over 40 years of immobility; and then came the sixteenth, seventeenth, eighteenth, nad nineteenth amendments—the third amendment epoch, 1909 to this date—showing that these amendments move in cycles.

The Federal Constitution conserves and protects all that Americans hold precious; it should not be changed by legislative caucus.

There is not a State in the Federal Union whose constitution may be amended by the State legislature. The State of Delaware is an apparent but not a real exception, as Delaware requires that an amendment to the State constitution must be proposed by at least two-thirds of one legislature; then there must be notice to the electors for a certain period before the next election, so that if they desire they may express their will at the polls upon the proposition; then the amendment must be ratified by a second legislature by a two-thirds vote, which gives the people an indirect vote. The various State constitutions may be amended only by the electorate of the State. How archaic, therefore, it is to deny the electorate an opportunity to express itself upon proposed changes in our fundamental law.

If the consent of the voters be required to alter and amend a State constitution, a fortiori the vote of the people should be required to change the Federal Constitution.

It is vital to our American system that the voter should have an opportunity to say at the ballot box under what form of government he desires to live.

If we are not willing that the State legislatures should choose United States Senators, for a much stronger reason the legislatures should not change our fundamental law.

Every argument in favor of the election of Senators by a direct vote of the people is a stronger argument in favor of consulting the people on constitutional amendments.

I favored the amendments providing for the income tax, direct election of Senator, prohibition, and woman suffrage. I believe they were wise amendments and that they were a response to the deliberate judgment and progressive thought of a vast majority of our countrymen; indeed, I believe those amendments were demanded by the people and were not forced upon the people. If a referendum to the people on the prohibition and woman suffrage amendments could have been had, each amendment would have been ratified by the electors.

According to the data of the year 1919, the aggregate membership of the legislatures of the States was 7,403 members.

A mere majority of the membership of the legislatures in three-fourths of the several States, plus two-thirds of the 531 Members of Congress, may and do propose and ratify amendments to the Federal Constitution.

Thus about 3,000 men could change the structure of our Government to any form their fancy suggested or the lobbyist dictated, and the

people would have no opportunity to defeat or reject the proposed amendments.

Our American system and public right should not be at the disposal of legislative caucuses but should be guarded by the free ballot of all the citizens.

Constitutional amendment should be ratified by the qualified electors in each State and not by the legislatures of the States.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 563. An act for the relief of Frank Yarlott;

H. R. 564. An act for the relief of Josephine Laforge (Sage Woman);

H. R. 565. An act for the relief of Clarence Stevens;

H. R. 7855. An act for the relief of Carl Stanley Sloan, minor Flathead allottee; and

H. R. 7964. An act to authorize the issuance of a fee patent for block 23 within the town of Lac du Flambeau, Wis., in favor of the local public-school authorities; to the Committee on Indian Affairs.

H. R. 389. An act for the relief of Kenneth M. Orr;

H. R. 472. An act for the relief of Thomas T. Gessler;

H. R. 3097. An act for the relief of Capt. George G. Seibels, Supply Corps, United States Navy;

H. R. 3098. An act for the relief of Capt. Chester G. Mayo, Supply Corps, United States Navy;

H. R. 3100. An act for the relief of Capt. P. J. Willett, Supply Corps, United States Navy; and

H. R. 3101. An act for the relief of Lieut. Arthur W. Babcock, Supply Corps, United States Navy; to the Committee on Naval Affairs.

H. R. 322. An act for the relief of Kenneth A. Rotharmel;

H. R. 323. An act for the relief of Clara Thurnes;

H. R. 414. An act for the relief of Angelo Cerri;

H. R. 545. An act for the relief of Arthur N. Ashmore;

H. R. 560. An act for the relief of Charles Beretta, Isidore J. Proulx, and John J. West;

H. R. 597. An act for the relief of M. L. Willis;

H. R. 745. An act for the relief of B. Frank Shetter;

H. R. 864. An act for the relief of W. P. Thompson;

H. R. 910. An act for the relief of William H. Johns;

H. R. 940. An act for the relief of James P. Hamill;

H. R. 1110. An act for the relief of heirs of Warren C. Vesta;

H. R. 1174. An act for the relief of A. N. Worstell;

H. R. 1251. An act for the relief of C. L. Beardsley;

H. R. 1312. An act for the relief of J. W. Zornes;

H. R. 1481. An act for the relief of James C. Fritzen;

H. R. 1494. An act for the relief of Maj. O. S. McCleary, United States Army, retired;

H. R. 1510. An act for the relief of Thomas T. Grimsley;

H. R. 1559. An act for the relief of John T. Painter;

H. R. 1794. An act to authorize the payment of an indemnity to the owners of the British steamship *Kyleakin* for damages sustained as a result of a collision between that vessel and the United States ship *William O'Brien*;

H. R. 2011. An act to authorize the Secretary of War to settle the claims of the owners of the French steamships *P. L. M. 4* and *P. L. M. 7* for damages sustained as the result of collisions between such vessels and the U. S. S. *Henderson* and *Lake Charlotte*, and to settle the claim of the United States against the owners of the French steamship *P. L. M. 7* for damages sustained by the U. S. S. *Pennsylvanian* in a collision with the *P. L. M. 7*;

H. R. 2047. An act for the relief of R. P. Biddle;

H. R. 2983. An act for the relief of Samuel F. Tait;

H. R. 3118. An act for the relief of the Marshall State Bank;

H. R. 5901. An act for the relief of the estate of Martin Preston, deceased;

H. R. 6259. An act for the relief of Alma Rawson;

H. R. 6414. An act authorizing the Court of Claims of the United States to hear and determine the claim of the city of Park Place, heretofore an independent municipality but now a part of the city of Houston, Tex.;

H. R. 6651. An act for the relief of John Golombiewski;

H. R. 6760. An act for the relief of Clara E. Wight;

H. R. 6932. An act to reimburse the estate of Mary Agnes Roden;

H. R. 7069. An act for the relief of the heirs of Viktor Pettersson;

H. R. 7356. An act for the relief of the American Foreign Trade Corporation and Fils d'Aslan Fresco;

H. R. 8242. An act for the relief of George W. McPherson; and

H. R. 8304. An act for the relief of Ida E. Godfrey and others; to the Committee on Claims.

LOBBY INVESTIGATION

Mr. ROBINSON of Indiana. Mr. President, by direction of the subcommittee of the Committee on the Judiciary, known as the lobby committee, I desire to submit a report. Before sending the report to the desk I wish to make some observations.

The report has to do with those persons and organizations who are interested primarily in foreign valuations and in lower rates of duty. Perhaps the most prominent organization of this kind is the National Council of American Importers and Traders (Inc.). This organization, through its operatives, has been very active during the present tariff revision. It was also active in 1922 when the Fordney-McCumber bill was under consideration. Numerous individuals have represented the organization in Washington during the past year, Mr. President, large sums of money have been expended, and practically no method of lobbying has been overlooked. It was organized on March 12, 1921, and has been in existence continually since that time.

Mr. President, I have no doubt in my own mind, from the evidence adduced before the lobby committee, that this organization was originally formed in order to bring influence to bear on tariff legislation, and always for lower duties and for foreign valuations. The organization maintained a lobby throughout the session of 1922 for that purpose. It seems to have been particularly successful in its efforts to employ men who have been connected with the customs and other branches of the Government service. It is amazing to note the number of men who have been lobbying here in the interest of lower tariff duties for the National Council of American Importers and Traders who were at one time or another employed by the Government.

This organization kept a budget, and it may be interesting to the Senate to note that from January 1 to November 25, less than a year, in 1929, the total receipts were $48,889.20, with total disbursements of $44,045.30. Testimony before the committee showed that from January 1 to November 29, 1929, $18,839.30 were spent deliberately and for the avowed purpose of influencing tariff legislation.

In May, 1929, the president of this organization, Mr. Peter Fletcher, wrote a letter to the members of the council which is very enlightening on methods pursued by the council in its attempt to influence legislation. I read from a form letter which was sent to the membership of the organization:

DEAR MR. ———: The present tariff situation merits this personal letter, in which I respectfully request your interest.

The National Council of American Importers & Traders (Inc.) has been continuously engaged this year in presenting the views of the American importer to the authorities in Washington, as well as to the general public, as effectively as possible. This has been done through the preparation and printing of suitable briefs which have been distributed, not only to the membership, but to Members of both Houses of Congress and to commercial bodies and others interested throughout the United States. The national council has been represented before the Ways and Means Committee and the Senate Finance Committee by members of our customs committee.

Considerable success has resulted from the National Council of American Importers & Traders efforts. We must not imperil our activities by stopping this work now, but if we do not raise additional funds promptly the work must cease. The lack of a few thousand dollars should not be permitted to stand in the way.

The annual dues which suffice to carry on the routine work of the council do not and were not intended to cover these unsual expenses, which are unavoidable in a tariff year. The character of our work speaks for itself. The outcome of the fight is vital to all importers, and I therefore wish to appeal to you personally to send your check to the national council for at least $100.

Very truly yours,

———— ————, *President.*

A similar letter went out in October of last year.

According to the evidence, Mr. President, members of this organization were assessed for lobby activities in accordance with what officials of the council thought they were able to pay, and were divided into two groups, one paying $100 and one paying $250. Good results were considered to be obtained when 50 per cent of this amount was secured. An excerpt from another statement reads as follows:

All our future depends upon it, and our past activities will be a failure unless you contribute now $2,000.

That was brought out during the course of the hearing by questions asked by the junior Senator from Arkansas [Mr. CARAWAY].

Mr. President, George C. Davis was at one time employed by the Government as an examiner of merchandise at the port of Chicago. Mr. Bevans was formerly examiner and special agent

for the Treasury Department. Mr. Frank J. Nolan, a representative of the importers of woolen and worsted goods, was formerly employed by the Government as an examiner of woolen and worsted imports at the port of New York. Mr. David Walker was once employed by the Government. Otto Fix was formerly examiner of cotton goods at the port of New York, and later special agent and assistant to Mr. Davis in the customs information bureau. He was an expert in the tariff revision of 1922. Mr. Charles F. Ruotti was formerly examiner of laces and embroideries at the port of New York.

I mention these as some of the operatives of the National Council of Importers and Traders who were lobbying here during the past year, and some of whom were lobbying in 1922 for lower duties and for foreign valuations, who were at one time connected with the Customs Service or some other branch of the Government. Apparently this organization endeavored especially to secure agents of that kind for their lobbying activities.

Mr. Philip Le Boutillier was chairman of the publicity committee of the national council. He executed for the council a contract with the Phoenix Publicity Bureau, which for several months conducted a line of publicity propaganda for the importers of the country, the cost of which ran up into large figures.

This propaganda embraced practically all those lines and branches known to lobbying activities generally. Mr. President, it is interesting to note some of the methods this publicity bureau undertook to pursue in its lobbying activity:

The basis of this campaign would be to plan a direct news and feature articles in the newspapers to educate the consumer and general public so that citizens will know how much more they will have to pay for certain specific articles if the proposed tariff schedules are adopted by Congress.

The plan of campaign was as follows:

The Phoenix Bureau would organize a publicity campaign covering 800 of the largest morning and evening papers of the country. The material, data, statistics, facts of all kinds collected by the National Council of American Importers and Traders would be used as the basis for carefully written feature articles, news stories, and editorials. Our plan would be to reach as many different departments of the newspapers as possible.

Interviews: The bureau would get interviews from leading jurists, economists, merchants, legislators, stylists, etc., getting their expert opinion on the evils to the American consumer of the proposed new tariff.

Motion pictures: Over a period of three or four months' campaign it would be possible for us to plan and build up a news event which would be important enough to put into the news reels at one time during the publicity campaign. It takes a great deal of time and a good deal of ingenuity and a wide acquaintance with cameramen to do this, but the bureau in the past has been very successful with this particular branch of publicity, and if the organization wanted it in this case it could be arranged so that there would be no extra charge for a flash on the news reels which would be worth many hundreds of dollars if the organization tried to buy the space.

General publicity plan: A concentrated effort would be made to reach a circulation of not less than 40,000,000 over a period of three or four months. The chief means of doing this would be the newspapers of the country. We would build up a special list of newspapers and also work with the Associated Press and the United Press in an intensive campaign. An effort will be made to reach the large summer resorts where people have more leisure during the summer months to read and digest their home-town newspapers. We could also help with valuable suggestions as to the placing of speakers on programs of women's club meetings in October, when the club season starts, if this seems practicable.

Costs: The bureau's fees for directing and planning such a campaign would be $800 per month for the period of the service. This fee includes the services of writers necessary, clerical work, and all costs of preparing and distributing newspaper copy. All traveling expenses, cost of stereotyped material, photographs, and messengers are not included in the above-mentioned fee.

Respectfully submitted.

PHOENIX NEWS PUBLICITY BUREAU (INC.),
RUTH BYERS HEED, *President.*

Mr. President, that agreement was subsequently ratified and the outlined plan adopted by the Council of American Importers and Traders. Speakers were furnished to address meetings not openly as propagandists or lobbyists but apparently in a disinterested capacity when, as a matter of fact, they were actually in the employ of the National Council of Importers and Traders.

It is significant, too, that this plan of campaign was not abandoned until about the time the lobby committee started to function. According to the testimony the bureau received for its services $5,676.

There was a silk defense committee which was managed by Mr. Samuel Kridel, of New York City. He testified before the committee that this branch was organized in 1921 as "a defense against rates that would be detrimental to the silk industry in general." Mr. Kridel was very proud of the work he accomplished in 1922, and said that he spent in that year $18,000 in attempting to keep down the tariff on silk, and expected to spend the same amount in connection with the pending tariff revision.

The council divided itself up into groups, and, in fact, those groups, in one way or another, were interested in practically everything that is imported into this country. One of the groups was that presided over by Mr. Harry S. Radcliffe, of Montclair, N. J., and was composed of members engaged in importing pile fabrics, velvet, and velveteens. His statement shows an expenditure of $16,800 out of $17,500 collected, with obligations of $4,000 more incurred. The activities of this group were directed toward securing lower duties than those provided in the Fordney-McCumber tariff bill of 1922.

Mr. President, it was brought out that Mr. Philip Le Boutillier, who had charge of the publicity of the national council, was also a director of the National Retail Dry Goods Association; and this association had a budget for the year ending February 28, 1930, showing total estimated expenses of $295,108.82. It is only fair, I think, to say that this was not all necessarily expended for influencing tariff legislation, nor, indeed, for influencing governmental action of any kind. Much of it was undoubtedly used in activities quite outside the province of this inquiry. The statement does show, however, that $16,000 of this amount was appropriated for maintaining the Washington office; and Mr. Le Boutillier testified that the purpose of the Washington office is, to quote his own language, "to keep a general sort of ear open and eye open to what is going on, as to what may affect the retail trade in general."

The evidence disclosed that this organization also spent an additional amount of $3,792.84 in its tariff campaign. According to the evidence, I think I am perfectly safe in saying, after careful computation, that the national council expended in its campaign to influence tariff legislation in the interest of lower rates and foreign valuations, in 1929 alone, not counting what it has spent since then in the year 1930, considerably more than $100,000. Of course, the purpose of your so-called lobby committee is to develop these facts, the amounts of money expended by those engaged in lobbying activities, and the purpose for which the money was spent.

Mr. President, after hearing much evidence on this subject I am convinced that very active lobbies were engaged here throughout 1922 and throughout 1929, beginning as early as the latter part of 1928, on both sides of the tariff question. Furthermore, it would seem that no lobby has been more active, more persistent, has operated through more different channels of publicity, propaganda, and other lines in its effort to influence tariff legislation, than this lobby maintained by the National Council of American Traders and Importers and those connected with it.

Mr. President, this partial report does not cover, nor attempt to cover, the lobby maintained here by the foreign dye interests. I think I may safely say that that lobby, in undertaking to get its desires accomplished and its wishes written into law, was more expert than that maintained by any other organization. Much money was spent by the dye interests—and that means by the foreign dye interests, or those directly or indirectly related to them—in securing, or attempting to secure, foreign valuations.

Mr. BLEASE. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. ROBINSON of Indiana. I yield to the Senator.

Mr. BLEASE. I should like to know just what the Senator from Indiana calls a lobby, and how it works.

Mr. ROBINSON of Indiana. I do not care to discuss that with the Senator at this time. I think my notion of the definition is the same as that of the Senator from South Carolina. Any individual or group of individuals attempting to influence legislation of any kind could be, of course, termed a "lobby."

Mr. BLEASE. Would the Senator consider a man a lobbyist who has a personal interest in a matter, who does not get any pay for it, is not hired, but, having a personal interest, goes to a friend of his who is a Senator and talks to him about the matter?

Mr. ROBINSON of Indiana. Mr. President, that would all depend. I should not want to draw any fine distinctions between lobbyists and near lobbyists. The only purpose of this committee is to show what money has been spent and what activities have been engaged in here during the past and present

sessions on both sides of every question that has been presented. Really, I should not care to go into an academic discussion with the Senator at this time as to what constitutes a lobby or a lobbyist.

Mr. BLEASE. I have had no experience with them, Mr. President. They never bother me.

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Connecticut?

Mr. ROBINSON of Indiana. I yield.

Mr. BINGHAM. The Senator does not think, does he, that there is any doubt about the fact that before practically all of the subcommittees of the Finance Committee representatives of the Council of Importers and Traders were constantly appearing on practically every schedule, making their pleas for the consumer? There is no doubt about that being lobbying, any more than there is doubt about the fact that the manufacturers' associations had their agents before the committee insisting on increases.

Mr. ROBINSON of Indiana. No; I should say there is no question about that. There is no question in my mind but that before practically every subcommittee and at every hearing that was held the national council had its agents and operatives.

Mr. BINGHAM. I want to thank the Senator for bringing out these facts; for it aroused our curiosity considerably at the hearings to know how much money was being spent, because Mr. Le Boutillier, particularly, was extremely active with his young men in opposing any increases on any of the things in which they were interested.

Mr. ROBINSON of Indiana. As I have said, I have no doubt, from the evidence adduced before the committee, that more than $100,000 was spent by this organization last year in its effort to influence tariff legislation. That does not include what was spent by the so-called dye lobby, the lobby interested in securing foreign valuations.

I started to say, Mr. President—and this is my concluding word on the subject—that the committee is ready to report on that phase of the situation which concerns the dye question, and with reference to those who are interested in the lobby along that line; but the chairman of the lobby committee, the junior Senator from Arkansas [Mr. CARAWAY] has informed me that the junior Senator from Utah [Mr. KING] is confined to the hospital at this time, and that he has suggested he would like to be heard by the committee; that he has statements he wishes to make. That being true, the committee has felt it only fair and just that no report be made on that feature of the lobby investigation until the junior Senator from Utah has had an opportunity to appear and be heard.

I send to the desk at this time the partial report.

The VICE PRESIDENT. If there be no objection, the partial report will be received.

The report (No. 43, pt. 6) submitted by Mr. ROBINSON of Indiana is as follows:

[S. Rept. No. 43, pt. 6, 71st Cong., 2d sess.]

LOBBYING AND LOBBYISTS

Mr. ROBINSON of Indiana, from the subcommittee of the Committee on the Judiciary submitted the following report (pursuant to S. Res. 20):

Your committee, named by the chairman of the Committee on the Judiciary, pursuant to Senate Resolution 20, beg leave to report as follows:

Among others into whose activities in endeavoring to influence congressional or other governmental action your committee inquired, as required by Senate Resolution 20, were numerous individuals representing, or purporting to represent, organizations and associations whose business it was to secure low tariff or no tariff at all on various products of foreign countries imported into this country and sold in competition with similar goods manufactured and sold in the United States.

Prominent among such organizations was the National Council of American Importers and Traders (Inc.).

It was organized on March 12, 1921, and has been in existence continuously since that time. The testimony adduced shows conclusively that this organization maintained a lobby throughout the session of 1921 and 1922 for the purpose of influencing tariff legislation. Its interest was chiefly in maintaining the foreign-valuation features and in preventing any raise in tariff rates.

While your committee did not go into the details of costs for maintaining this lobby during these years, the evidence disclosed that considerable money was spent, and the organization considered that its efforts had been successful.

During 1929 the council was quite active and through its personnel and various branches expended large sums both in Washington and New York.

It was particularly successful in its effort to employ men who had been connected with the customs and other branches of Government service.

The organization kept a budget, and the evidence disclosed that from January 1 to November 25, 1929, the total receipts were $48,889.20, with total disbursements of $44,045.30.

In May, 1929, a circular letter was mailed by the president, Mr. Peter Fletcher, to members of the council, reading as follows [reading]:

DEAR MR. ———:

The present tariff situation merits this personal letter, in which I respectfully request your interest.

The National Council of American Importers and Traders (Inc.) has been continuously engaged this year in presenting the views of the American importer to the authorities in Washington, as well as to the general public, as effectively as possible. This has been done through the preparation and printing of suitable briefs, which have been distributed not only to the membership but to Members of both Houses of Congress and to commercial bodies and others interested throughout the United States. The national council has been represented before the Ways and Means Committee and the Senate Finance Committee by members of our customs committee.

Considerable success has resulted from the National Council of American Importers and Traders efforts. We must not imperil our activities by stopping this work now, but if we do not raise additional funds promptly the work must cease. The lack of a few thousand dollars should not be permitted to stand in the way.

The annual dues, which suffice to carry on the routine work of the council, do not and were not intended to cover these unusual expenses, which are unavoidable in a tariff year. The character of our work speaks for itself. The outcome of the fight is vital to all importers, and I therefore wish to appeal to you personally to send your check to the national council for at least $100.

Very truly yours,

——— ———, *President.*

A similar letter went out in October of the same year.

Members of this organization were assessed for lobby activities in accordance with what the officials of the organization thought they were able to pay (Rec., vol. 38, p. 5084), and were divided into two groups, one paying $100 and one paying $250, and good results were considered to be obtained when 50 per cent of the amount asked for was obtained.

The National Council of American Importers and Traders also maintained a publicity committee, whose duty it was to get their propaganda out to the general public. Mr. Philip Le Boutillier was chairman of the publicity committee. The evidence of Mr. Fletcher, the president, also discloses that he had in his employ as counsel George C. Davis, who was at one time employed by the Government as examiner of merchandise at the port of Chicago, and later special agent of the Treasury Department, and still later head of the customs information bureau at New York City. Mr. Davis passed away early last spring and was succeeded by his partner, Mr. Bevans, who was formerly examiner and special agent of the Treasury Department. Several thousand dollars were paid to them to assist in influencing tariff legislation. Mr. Frank J. Nolan was also employed by the council; he was a representative of the importers of woolen and worsted goods, a branch of the National Council of American Importers and Traders, and his services were particularly valuable because he was formerly employed by the Government as an examiner of woolen and worsted imports at port of New York.

Otto Fix is employed by Mr. Fletcher's organization as a member of the customs committee and was formerly examiner of cotton goods at the port of New York and later special agent and assistant to Mr. Davis in the customs information bureau; he qualified in 1922 as an expert on tariff. His expenses were paid by the council from April to October and amounted to $556.81. Mr. Charles F. Ruotti, representing the lace and embroidery branch of the National Council of American Importers and Traders, was formerly examiner of these commodities at the port of New York for the Government and made five visits to Washington in the interest of tariff legislation from February to October, 1929. Mr. Carl W. Stern and Mr. H. G. Hunt seem to be officials of this organization who were not trained by the Government. Mr. Fletcher seemed to be somewhat at a loss to know why they were hired, but Mr. Hunt had had considerable experience trying cases in the Court of Claims; he is no longer on the pay roll, however, as it is evident their office was abandoned about the time this committee started to function.

This organization has worked continuously for foreign valuations; a magazine called the American Importer is published monthly by them and is edited by their executive secretary, Mr. Frank Van Leer, and its principal purpose seems to be to conduct an educational campaign against American valuations and against higher duties.

The following transcript from the record is illuminating:

"Senator ROBINSON of Indiana. Isn't it true that members of your organization returning from Washington told in open meeting of the council of the splendid work the Washington office was doing, and what a great thing it was to have there?

"Mr. FLETCHER. I believe somebody got that impression.

"Senator ROBINSON of Indiana. You got it, didn't you? I have a telegram here, Western Union, dated June 14, 1929. See if you recognize this, Mr. Fletcher:

"'Our customs committee just returned from Washington reports that despite vigorous protests by National Retail Dry Goods Association, Marshall Field & Co., and others, there is great danger that the Senate Finance Committee will adopt the United States value as major basis of valuation. This means duty will be levied on wholesale selling price in America instead of wholesale foreign values in country of origin, making it impossible for to compute [sic] costs and determine selling price until after goods have arrived and been appraised upon the new basis. Pretext is to prevent fraudulent undervaluation, which we know are infinitesimal, and is an insult to every decent importer in the country. The effect would be enormous increase in duty. Urge you to telegraph the Senators in your State in strongest language you care to use protesting against this radical and revolutionary innovation.'

"Did you send that, Mr. Fletcher?

"Mr. FLETCHER. I sent it.

"Senator ROBINSON of Indiana. You meant that?

"Mr. FLETCHER. Every word of it.

"Senator ROBINSON of Indiana. And when you said they should telegraph their Senators in the strongest language they cared to use, what kind of language would you have suggested?

"Mr. FLETCHER. I suggested they use the strongest they cared to use.

"Senator CARAWAY. Who was this telegram sent to, Mr. Fletcher?

"Mr. FLETCHER. I think it was sent—we have got a list of it. I think it was sent to about 20 or 25 of the larger houses throughout the country.

"Senator CARAWAY. Importers?

"Mr. FLETCHER. All importers; yes."

The publicity was conducted by the Phoenix News Publicity Bureau and its plan is better shown by the record.

"Senator ROBINSON of Indiana. I have here a letter from the Phoenix News Publicity Bureau, 342 Madison Avenue, dated June 6, 1929. This purports to be a sort of plan of campaign and at the same time a sort of contract to be ratified.

"It is for the attention of Mr. Peter Fletcher, 52 White Street, New York.

"Estimate for National Council of American Importers and Traders.

"The Phoenix News Publicity Bureau (Inc.) submits the following plan for a publicity campaign for the National Council of American Importers and Traders (Inc.) for the purpose of exposing to the American consumers the evils of the proposed new tariff.

"The basis of this campaign would be to plan a direct news and feature articles in the newspapers to educate the consumer and general public so that citizens will know how much more they will have to pay for certain specific articles if the proposed tariff schedules are adopted by Congress."

Then the plan of campaign:

"The Phoenix bureau would organize a publicity campaign covering 800 of the largest morning and evening papers of the country. The material, data, statistics, facts of all kinds collected by the National Council of American Importers and Traders would be used as the basis for carefully written feature articles, news stories, and editorials. Our plan would be to reach as many different departments of the newspapers as possible.

"Interviews: The bureau would get interviews from leading jurists, economists, merchants, legislators, stylists, etc., getting their expert opinion on the evils to the American consumer of the proposed new tariff.

"Motion pictures: Over a period of three or four months' campaign it would be possible for us to plan and build up a news event which would be important enough to put into the news reels at one time during the publicity campaign. It takes a great deal of time and a good deal of ingenuity and a wide acquaintance with cameramen to do this, but the bureau in the past has been very successful with this particular branch of publicity; and if the organization wanted it in this case it could be arranged so that there would be no extra charge for a flash on the news reels, which would be worth many hundreds of dollars if the organization tried to buy the space.

"General publicity plan: A concentrated effort would be made to reach a circulation of not less than 40,000,000 over a period of three or four months. The chief means of doing this would be the newspapers of the country. We would build up a special list of newspapers and also work with the Associated Press and the United Press in an intensive campaign. An effort will be made to reach the large summer resorts where people have more leisure during the summer months to read and digest their home-town newspapers. We could also help with valuable suggestions as to the placing of speakers on programs of women's club meetings in October, when the club season starts, if this seems practicable.

"Costs: The bureau's fees for directing and planning such a campaign would be $800 per month for the period of the service. This fee includes the services of writers necessary, clerical work, and all costs of preparing and distributing newspaper copy. All traveling expenses, cost of stereotyped material, photographs, and messengers are not included in the above-mentioned fee.

"Respectfully submitted.

"PHOENIX NEWS PUBLICITY BUREAU (INC.),
"RUTH BYERS HEED, *President.*"

This agreement was subsequently ratified and the outlined plan adopted by the council.

This publicity bureau continued to function for several months during 1929, and its activities were not abandoned until about the time your committee came into existence. The plan outlined above seems to have been generally followed, and scarcely any method of publicity propaganda was overlooked. Its entire cost to the national council was $5,676.

Mr. Samuel Kridel, of New York City, who says he is a commercial banker, was called by your committee and testified. (Rec. vol. 38, p. 5165.) He is a member of the National Council Importers and Traders (Inc.) and is interested in securing lower duties on silk imports. He is chairman of the silk defense committee. This organization was perfected in 1921, as the witness testified, "a defense against rates that would be detrimental to the silk industry in general." Mr. Kridel was very proud of his work accomplished in 1922 and was of the opinion it should be repeated, and although a man by the name of Arman C. Stapfer was employed for the sum of $12,500 and expenses, most of the work was done by Mr. Kridel. Mr. Kridel testified that he spent $18,000 in 1922 to keep down the tariff on silk and expected to spend the same amount this time.

Mr. Arman C. Stapfer was called; he was born in Switzerland, came to this country in 1903, started to work for the Government as examiner of silk at the port of New York in 1908. Worked for the Government for eight years and received a maximum salary of $2,000 per year. He contracted with the silk defense committee, assisted in keeping down the tariff on silk and was to receive $12,500 and expenses, of which amount he has been paid to date—Janury 15, 1930—$4,000 and $4,000 expenses. All he says he did was to submit some facts and figures and data; he made some 15 or 18 trips from Chambersburg in 1929, and two trips in 1930, for which he has charged an expense of $4,000. While doing this he was general manager of the Piedmont Co. and was drawing a salary of $12,500 with a profit-sharing agreement; on January 1, this year, he went with the Central Falls Silks Co. with a salary and profit-sharing agreement out of which he hopes to make from $20,000 to $35,000 per year. Mr. Stapfer was also the star witness of the silk defense committee before the House Ways and Means Committee and the Finance Committee of the Senate.

Mr. Harry S. Radcliffe, of Montclair, N. J., was called to testify before your committee. (Rec. 40, p. 5289, etc.) He stated that he is a member of the National Council of Importers and chairman of the group engaged in importing pile fabrics, velvet, and velveteens. His statement shows an expenditure of $16,800 out of $17,500 collected, and obligations of $4,000 more incurred. His activities and those of his group were directed toward securing lower duties than those provided in the Fordney-McCumber tariff bill of 1922.

Mr. Philip Le Boutillier, of New York City, president of Best & Co., chairman publicity committee of national council, director of National Retail Dry Goods Association, and chairman of their tariff committee, was called before your committee; his testimony shows the employment of the Phoenix News Bureau, and that this concern was paid $5,676 for services and expenses in connection with the national council publicity campaign.

An estimated budget of the National Retail Dry Goods Association was also introduced into the record, showing total estimated expenses of $295,108.82 for the year ending February 28, 1930.

Of this amount $16,000 was allowed for maintaining the Washington office. Mr. Le Boutillier testified the purpose of the Washington office "is to keep a general sort of ear open and eye open to what is going on, as to what may affect the retail trade in general."

This organization also spent an additional amount of $3,792.84 in its tariff campaign.

This is but a brief outline of the activities of above-named persons and organizations. A full account may be had by inspecting the reports of hearings before your committee.

NEW YORK TELEPHONE RATES

Mr. WAGNER. Mr. President, I send to the desk and ask to have read a memorial sent to the Congress by the Legislature of the State of New York.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the memorial will be read.

The Chief Clerk read as follows:

STATE OF NEW YORK,
IN SENATE,
Albany, January 28, 1930.

(By Mr. Downing)

WHereas the people of the State of New York find themselves again immediately threatened with a drastic increase in telephone rates, in their long series of abuses at the hands of the New York Telephone Co.; and

Whereas the courts of the State and proper regulatory agencies, as constituted by the laws of the State, are frequently deprived of jurisdiction and prevented from taking adequate action for the protection of the people for the reason that Federal judges in the various Federal judicial districts of the State have held it within their power to assume

jurisdiction with respect to local public utilities, including the New York Telephone Co., and to restrain local authorities from administering and enforcing State laws and provisions of franchises and contracts to which the community is a party; and

Whereas the people of the localities affected consider such judicial action on the part of such Federal judges to be contrary to the intent and purpose of sound theories of government and an improper encroachment by Federal authorities upon the rights of the State of New York to administer its own affairs according to its own law; and

Whereas there are pending before the Federal Congress measures designed to protect the people of this State by preventing the interference by the Federal courts in the first instance in the regulation of local public utilities and leave the supervision and judicial control of such local utilities in the first instance to the courts and to duly constituted agencies of the locality affected:

Resolved (*if the assembly concur*), That the Congress of the United States be, and it is hereby, respectfully memorialized to enact with all convenient speed such legislation as will prevent action by the Federal courts in all cases in respect to public utilities in which local judicial authorities and local regulatory agencies are empowered to prevent the abuse of exorbitant or confiscatory rates by a local public utility until the highest court of the State has passed thereon: It is further

Resolved (*if the assembly concur*), That a copy of this resolution be transmitted to the Clerk of the House of Representatives and the Secretary of the Senate and to each Member of Congress and to each Senator elected from New York State.

By order of the senate.

A. MINER WELLMAN, *Clerk.*

In assembly, January 28, 1920.

Concurred in without amendment, by order of the assembly.

FRED W. HAMMOND, *Clerk.*

The VICE PRESIDENT. The memorial will be properly referred.

Mr. WAGNER. Mr. President——

The VICE PRESIDENT. Is there objection to discussion of this resolution? Under the rules, a resolution of this kind presented can not be discussed without unanimous consent, but must be referred without debate. Is there objection?

Mr. WATSON. What is it, Mr. President? I desire to find out what the purpose of it is.

Mr. WAGNER. Mr. President, if I do not obtain unanimous consent I can, of course, discuss this subject in connection with the unfinished business.

Mr. WATSON. I will say that ordinarily I should not object to a proposition of this kind; but it seems to me that what has just been read reflects very severely, in a critical and adverse way, upon the action of the Federal court. I doubt very seriously whether we ought to pass a resolution animadverting upon the court.

The VICE PRESIDENT. The resolution is not presented for the purpose of action, except for reference to a committee. It is from the Legislature of the State of New York.

Mr. WAGNER. Mr. President——

The VICE PRESIDENT. The Senator from New York.

Mr. WAGNER. The resolution just read is a memorial sent to this body by the Legislature of the State of New York.

Mr. WATSON. What does the Senator want done with it?

Mr. WAGNER. I should like to have it referred to the Committee on the Judiciary, because there is a bill pending before that committee, introduced by me, which proposes the very thing requested by the Legislature of the State of New York; and I want to say a word or two about it.

Mr. WATSON. I have no objection at all to the reference.

Mr. WAGNER. Mr. President, the memorial which was just read was passed unanimously by both chambers of the Legislature of the State of New York upon the recommendation of the governor of the State, Governor Roosevelt.

It reflects the definite public opinion of the State of New York with reference to the action of the Federal courts in assuming jurisdiction in rate cases which had come before the public utilities commission of the State.

By their action in assuming jurisdiction over these public-utility cases, the Federal courts have practically ousted the courts of the State of New York and the regulatory bodies of the State of New York of all control over the rates to be charged by the public utilities, as well as the character of service to be rendered. It is this encroachment by the Federal courts upon a province of State government which the people of the State of New York so much resent. The Federal courts have become the regulating bodies and the rate makers for our local public utilities. And that presents a very anomalous situation.

Congress has no power of supervision over public utilities which do purely an intrastate business. It can not regulate their rates; it can not supervise or control the service they are required to render. Yet a court created by Congress has become the regulatory body over public utilities doing purely an intrastate business.

The people of the State of New York resent this particularly because of two incidents which have occurred within the last two years. The first was in the matter of the Interborough case. At a previous time I had occasion to call the attention of the Senate to the action of the Federal court in the so-called Interborough case, in which the Interborough Rapid Transit Co. of New York gave notice to the Public Utilities Commission of the State of New York that it proposed to increase the rates of fare to be charged to its passengers.

Before the Public Utilities Commission of the State of New York had decided the question whether an increase should be granted or not, the Interborough Rapid Transit Co. went into a Federal court and secured an injunction restraining the public utilities commission from interfering with the proposed increase of fare by the Interborough Rapid Transit Co. In other words, even before our public utilities commission had passed upon the question, the Federal court took jurisdiction upon the ground that unofficially the Interborough Rapid Transit Co. had been informed that its demand for an increase would be denied. The Federal court granted to the Interborough the right to increase the rate of fare.

The city of New York appealed from that decision to the United States Supreme Court, and, happily, that court reversed the lower court and stated in its opinion that the taking of jurisdiction by the Federal court in that case was an abuse of discretion, that its order was improvident, and the matter was one for determination by the State courts.

Now, we have the telephone situation, in which the Public Utilities Commission of the State of New York declined to give the telephone company the right to increase its rates. What happened? The company did not contest the order in the State courts. The telephone company applied to the Federal courts and secured permission to increase its schedule of rates.

Mr. President, what the people of New York find it increasingly difficult to answer is this question, Why should the public utilities have a choice of courts to which they may take their cases for consideration? Under this system, they may go either into the Federal courts or into the State courts. They have the choice of judges, a judge presiding over a State court, or a judge presiding over a Federal court. The consumers have no such choice. They are limited in any action they may institute to the State courts. The municipality whose citizens are affected by the rates has no such choice. It is limited in any action it may institute to the State courts. The State of New York and its agencies, such as the public utilities commission, have no such choice. If they desire to institute action against a public-utility company they must resort to the State courts.

The bill which I have introduced proposes to limit the jurisdiction of the Federal courts to this extent, that it withdraws from the Federal courts jurisdiction over all public utilities within a State which do exclusively an intrastate business and where litigation involves only the construction of State statutes, or the review of the action of a State regulatory body, and restores it to the State courts.

I do not, of course, intend to deprive a public utility of any constitutional right it possesses to have tested the constitutional question whether or not rates fixed by a State body are confiscatory. If a question of confiscation which is regarded as a Federal question is involved, I propose that the public utility appeal from the highest court of a State to the Supreme Court.

In view of the experiences which the State of New York has had in the regulation of its public utilities, and which I know other States have had, I hope the Judiciary Committee will at a very early date consider the bill which I have introduced limiting the jurisdiction of the Federal courts.

Mr. CARAWAY. Mr. President, as one member of the Committee on the Judiciary, I assure the Senator from New York that I shall be very glad to see him get prompt action on his measure. I have but one fault to find with the bill; I wish it went farther.

The VICE PRESIDENT. The memorial will be referred to the Committee on the Judiciary.

MARSHALL, ARK., POST OFFICE

Mr. CARAWAY. Mr. President, I took the floor to make a statement and to put some telegrams in the RECORD touching the appointment of a postmaster at Marshall, Ark. The other afternoon I called attention to what I thought was a discrimination against an ex-service man. I am informed that both applicants for the appointment as postmaster at the place to which I have referred are ex-service men.

I said when I spoke before that I did not intend to interpose an objection to the confirmation of the appointee, but, carrying out a policy upon which I have resolved, I wanted to call attention to the evasion of the law and the discrimination against men who have worn their country's uniform.

I have a number of telegrams here concerning this particular appointment. Those which make reference merely to the politics of the two candidates or their efficiency I do not care to have included in the RECORD, because we are not going to investigate that, but those which deal with the facts I want to have printed in the RECORD, and to have the telegrams referred to the Committee on Post Offices and Post Roads.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Is there objection?

There being no objection, the telegrams were referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

MARSHALL, ARK., *February 2, 1930.*

Hon. T. H. CARAWAY,
Washington, D. C.:

We, the undersigned Democratic members of the American Legion of Marshall, wish that you correct the statement you made before the Senate, as reported by Arkansas Gazette, in regard to W. G. Fendley, applicant for postmaster here. Mr. Fendley is an ex-service man and a member of our Legion. He was volunteer in the World War, and is an honest and upright citizen. Fendley received 15 votes out of 29 cast by the Republican central committee.

FOREST BAKER, *Adjutant.*
GASTER WALSH, *Finance Office.*
J. S. WILCOX.
W. S. SHILLINGS.
J. A. WILCOX.
FRED CLEMONS.
MASSEY.

MARSHALL, ARK., *February 2, 1930.*

Senator CARAWAY,
Washington, D. C.:

Regarding message by Treece, wish to add that Committeeman Drewery, after being brought here by Treece, voted for Fendley; also U. M. Sutterfield, secretary of committee, stout supporter of Fendley, hustled three committeemen into his car and brought them here. Committeeman Adams stated he was offered $50 by Fendley; this allegation will be supported by affidavits following in letter.

W. LELAND HENLEY.

MARSHALL, ARK., *February 1, 1930.*

Senator CARAWAY,
Washington, D. C.:

After reading of your criticism regarding selection of postmaster this place, will say I am owner of taxicab that went after Committeeman Drewery, and no charges were made but was done merely out friendship for Mathews.

W. S. TREECE, *Owner of Taxi.*

MARSHALL, ARK., *February 1, 1930.*

Senator T. H. CARAWAY,
Washington, D. C.:

Your information as reported in Gazette incorrect. Fendley is an ex-service man as well as Mathews. Fendley got 15 votes out of 29 of committee voting ballots. Chairman and both tellers were Mathews supporters. Fendley was declared indorsed and certified by chairman, who supported Mathews and later this mess was started without any foundation. All Democrats foundation, all Democrats except H. G. Treece, who was a teller and a Mathews supporter. People here want Fendley confirmed. Indorsed by Noah Bryan, J. C. Baker, Forrest Baker, A. A. Hudspeth, E. H. Daniel, H. G. Treece, J. I. Horton, Oscar Redman, S. C. Greenhaw.

WM. A. WENRICK.

LITTLE ROCK, ARK., *February 1, 1930.*

Senator T. H. CARAWAY,
Senate Office Building:

Your information on Marshall post office is wrong. There are 30 members of county committee; 1 did not vote and 15 voted for Fendley. Fendley is also an ex-service man and first on eligible list, while Mathews is second. Civil Service Commission made an exhaustive investigation of all changes and for second time certified Fendley first and Mathews second. To-day's Gazette carries a criticism which I hope you will correct.

WALLACE TOWNSEND.

Mr. CARAWAY. I ask unanimous consent to have placed in the RECORD and referred to the Committee on Post Offices and Post Roads an affidavit dealing with the post-office situation in Marshall, Ark.

There being no objection, the affidavit was ordered to be printed in the RECORD and referred to the Committee on Post Offices and Post Roads, as follows:

JOINT AFFIDAVIT

STATE OF ARKANSAS,
County of Searcy:

J. H. Barnett and S. A. Lay, both of Marshall, Ark., being duly sworn, depose as follows:

That on the 28th day of April, 1929, the Republican county central committee met at Marshall, Ark., to indorse an applicant for the position of postmastership of said place; that Elbert Adams was a committeeman from Tomahawk Township in said county and as such attended said meeting.

That on said date and before the committee had voted said Elbert Adams said to us that he wanted to support and vote for Leonard Mathews as postmaster, but that he had been offered $50 to vote for W. G. Fendley and would be compelled to vote for said W. G. Fendley owing to the fact that he needed the money.

J. H. BARNETT.
S. A. LAY.

Subscribed and sworn to before me this 3d day of February, 1930.
[SEAL.] H. G. TREEN,
Notary Public.

My commission expires January 4, 1931.

INVESTIGATION OF COTTON EXCHANGES

Mr. HEFLIN. Mr. President, I ask unanimous consent that the time at which the committee investigating the cotton exchanges is to report may be extended for 20 days. The committee is not quite ready to report. They are nearly through with the investigation, but the time for a report will expire this week, and on yesterday I was requested by the chairman of the committee, the Senator from Delaware [Mr. TOWNSEND] to ask for additional time, and I ask for 20 days more.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and that order will be made.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed a joint resolution (H. J. Res. 240) making an appropriation to enable the Secretary of Agriculture to meet an emergency caused by an outbreak of the pink bollworm in the State of Arizona, in which it requested the concurrence of the Senate.

MOUNTAIN OF THE HOLY CROSS, COLO.

Mr. PHIPPS. Mr. President, a short time ago the Mountain of the Holy Cross in Colorado was designated as a public monument. I hold in my hand a short poem written by Judge J. L. Noonan, of Glenwood Springs, Colo., which I ask permission to have printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

MOUNTAIN OF THE HOLY CROSS

By J. L. Noonan

Emblem of the Christian faith,
Mystic and sublime,
Symbol of the ages,
Far beyond the wreck of time;
Emblazoned on the mountain top,
Amid everlasting snow,
Formed by hands eternal
In the years of long ago.

Solid as the Rock of Ages,
Silent as the stars,
Permanent as the silent hills,
Immune to peace and wars,
Changeless as the ocean's tides
Anent the ebb and flow;
The rhythm of the ages
As the centuries come and go.

The seasons play around thy face,
The summer sun and rain,
The swirling snows of winter;
And the storm that blows amain
Has left no trace upon thy face
Of ages come and gone;
The promise of the Master holds
As centuries roll on.

Grand, sublime, eternal, ever
Steadfast as the sun,
Moveless as the ocean's bed
Since time has first begun;
Thy message floods all time and space,
Thy promise now as then
Brings hope and inspiration,
"Peace on earth, good will to men."

High above the mountain valley
On the snowy mountain range,
Where the sunset's ebbing splendor
Touch with pathos ever strange;
Amid the somber shades of twilight,
The snowy cross I see,
And I lift my hat in silence
To the Man of Gallilee.

Harbinger of life eternal,
Far removed from earthly dross,
Emblem of the life supernal,
Blessed evangel of the cross;
Long ago the troubled waters
Recognized the Master's will
In the quiet admonition
"Peace be still."

Long ago in times forgotten
By the finite mind of man,
When the age of reason staggered
And the age of faith began,
Then the cross was consecrated
In the world far and wide,
And that we never might forget it,
God placed it on the mountain side.

So we lift our eyes in reverence,
And the snowy cross we see,
With its sad transfiguration
On the Mount of Calvary,
And the Saviour's supplication
With the ages running true,
"Lord forgive them for
They know not what they do."

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 240) making an appropriation to enable the Secretary of Agriculture to meet an emergency caused by an outbreak of the pink bollworm in the State of Arizona was read twice by its title and referred to the Committee on Appropriations.

REVISION OF THE TARIFF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. COPELAND. Mr. President, I offer an amendment to the pending bill, unless the Senator from Utah has some committee amendment upon which he wants to have action at this time.

Mr. SMOOT. All the committee amendments have been acted on.

The PRESIDING OFFICER. The clerk will report the amendment proposed by the Senator from New York.

The CHIEF CLERK. On page 3, line 6, after the semicolon and before the word "and," insert the following:

Carbon dioxide, weighing with immediate containers and carton, 1 pound or less, 1 cent per pound on contents, immediate containers, and carton.

Mr. SMOOT. Mr. President, I want to say to the Senator from New York that I have looked carefully into this matter to see what result would follow the adoption of this amendment, and I see no objection to accepting the amendment. It refers to an article which can not be made in this country, according to the statement of the manufacturers who have tried to do so. The amendment covers a little article containing gas, which must be capable of standing a pressure of 10,000 pounds. Up to the present time it has been impossible to make them in this country, and this represents a reduction on this item alone, so I see no reason why we should not accept the amendment offered.

Mr. COPELAND. Mr. President, I thank the Senator from Utah. The amendment relates to what is known as a sparklet bulb. The Senator has had correspondence about it.

Mr. SMOOT. Yes.

Mr. COPELAND. This little article is made of steel and contains half a pound of carbon dioxide. It has many uses in medicine and surgery and the culinary arts. These containers are made abroad, and, as the Senator from Utah has said, no establishment here produces them. The great concerns here, like the United States Steel and the cartridge companies, say they can not make it. If this amendment is adopted these containers can be refilled in the United States, and will cause the promotion of the industry here.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from New York.

The amendment was agreed to.

Mr. BARKLEY obtained the floor.

Mr. LA FOLLETTE. Mr. President, I have an amendment which I desire to propose, which applies to a provision in the bill before the one acted on previously, and I would like to offer my amendment now. I do not presume I have lost any right to offer it because the Senator from New York offered one to a provision appearing later in the same paragraph.

Mr. SMOOT. No; the schedule as a whole is before the Senate.

Mr. LA FOLLETTE. Mr. President, the amendment I desire to propose is to be inserted on page 2, line 10. Unless the amendment of the Senator from Kentucky is to come before that, I would like to offer my amendment in its proper order.

Mr. BARKLEY. As I understand it, under our unanimous-consent procedure amendments are in order to any part of the schedule before we finish it, so they do not have to be offered in the particular order of the schedule itself.

Mr. SMOOT. No; just before we conclude the consideration of the schedule an amendment may be offered to it.

The PRESIDING OFFICER. May the Chair state that the understanding at the desk is that the unanimous consent applies to the entire schedule and that the entire schedule is open to amendment?

Mr. BARKLEY. Yes; it is open to amendment until it is concluded.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. BARKLEY. On page 2, line 8, I wish to strike out "three-fourths" and insert "one-half." That has reference to the tariff on acetic acid. I will state to the Senator from Utah, as he already knows, that there was no increase by the House in the present rate on acetic acid, and in view of the fact that we produce over 2,000,000 pounds per annum and imported in 1927 only 9,000 pounds and in 1928 only 4,000 pounds, I think the item is an excellent case for reduction below the present rate, as the imports are almost infinitesimal.

Mr. SMOOT. If the Senator will look at the imports and consumption of acetic acid in the United States, he will find that in 1928 there were 12,163,499 pounds consumed, valued at $644,816; and for six months in 1929 there were 11,837,669 pounds consumed at a value of $718,570.

Mr. BARKLEY. I have offered my amendment in the wrong place. I should have referred to the item in line 10. That is where I should have offered the amendment. The figures I was reading had reference to acetic anhydride instead of acetic acid. On page 2, line 10, in lieu of 5 cents, I move to insert 2½ cents.

Mr. SMOOT. That is the key product in the rayon silk industry.

Mr. BARKLEY. But there are no importations.

Mr. SMOOT. That may be true to some extent. I know the importations are very small.

Mr. BARKLEY. They do not amount to anything.

Mr. SMOOT. But the Senator now is cutting the rate just in two.

Mr. BARKLEY. Yes.

Mr. SMOOT. Does the Senator know what effect that will have? It may destroy the whole industry.

Mr. BARKLEY. Oh, no; our importations compared to consumption are only 0.45 per cent. There are no statistics available as to exports, but certainly where there are no imports to speak of and a sufficient domestic production to meet our demands, it seems to me that 5 cents is entirely too high.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from California?

Mr. BARKLEY. I yield.

Mr. SHORTRIDGE. Is it the desire of the Senator to increase the importations of the particular article? Is that the desire of the Senator?

Mr. BARKLEY. Oh no. I am not seeking to bring about primarily an increase in importations, but there are no facts available showing that there would be an increase of importa-

tions if the 5-cent rate should be lowered. I will state to the Senator from California that the act of 1913 carried a rate of 2.5 cents and the imports were inconsequential under that rate. The commodity is largely used in the manufacture of aspirin, which is widely used as a medicine in this country, and I am basing my amendment on the fact that when this low rate was applicable to the commodity there were practically no imports at all.

Mr. SHORTRIDGE. I do not wish to prolong the matter, but I am putting the question to get at the theory of the Senator. I understood the Senator to state that the importations are very limited, and he follows it by a request that the present rate be materially reduced. I inquire therefore what the purpose is if it be not to increase importations, and whether that is the desire or the purpose of the proposed amendment?

Mr. BARKLEY. That is not the purpose. The purpose is to relieve a commodity bearing too high a rate when the reduction will not materially increase imports, but will probably reduce to some extent the price of the imports which come into the United States.

Mr. SHORTRIDGE. Manifestly it would not affect local prices unless there was competition developed as the result of increased importations.

Mr. SMOOT. In 1925 the domestic production for sale was 2,088,567 pounds, valued at 28 cents a pound. Germany, of course, is the largest foreign manufacturer. I really believe that to adopt the amendment may not only upset the rayon industry but other industries in the United States. I hope the Senator will not insist upon it.

Mr. BARKLEY. Not only is this article used in medicine but it is used in the manufacture of rayon silk.

Mr. SMOOT. That is what I stated.

Mr. BARKLEY. Of course, if this rate did not produce imports under the acts of 1913 and 1922, it is not to be assumed that to reduce it to 2½ cents will bring more imports.

Mr. SMOOT. The silk industry make their own acetic anhydride. The statistics do not show the amount imported that is consumed in the United States, because the silk manufacturers make their own. To reduce the rate 50 per cent will have a serious effect, I assure the Senator.

Mr. BARKLEY. Of course the Senator understands that these figures of more than 2,000,000 pounds of domestic production show the amount of domestic production for sale. They do not include all that is made for use in this country.

Mr. SMOOT. The Senator's amendment is the equivalent of an ad valorem rate of less than 10 per cent, and it does not conform to other items in the schedule.

Mr. BARKLEY. I do not care to take up any unnecessary time with it, but if the reduction is adopted and the rate is believed to be too low, it can be worked out in conference. We ought to keep in mind that if we are trying to keep down some of the unnecessary high rates and we fix all of these rates as minimum rates in the present bill, the bill as it comes out of conference will be necessarily an increase over the present law. We could not have a case for decrease in rate that seems to me could have any more solid foundation than this, if there are to be any decreases at all.

Mr. SMOOT. I hope the Senate will not agree to the amendment.

Mr. LA FOLLETTE. Mr. President, I sincerely hope the amendment offered by the Senator from Kentucky will be agreed to. So far as the information furnished to the Finance Committee is concerned, the Tariff Commission informs us that the domestic production in 1925 was 2,088,567 pounds and the imports in the same year were 9,365 pounds. The apparent consumption was 2,097,000 pounds.

Mr. SMOOT. The Senator must take into consideration that in 1925 the silk industry of the United States which uses this product was almost nil. If we had the figures for to-day they would be quite different from those of 1925.

Mr. LA FOLLETTE. These are the latest available statistics and they are all we have upon which to base our decision.

Mr. SMOOT. I am aware of that.

Mr. LA FOLLETE. The Finance Committee in every instance where they found imports negligible have reduced the duties. I think this is a prima facie case for a reduction of the duty and I hope the amendment of the Senator from Kentucky will prevail.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky. [Putting the question.] The Chair is in doubt.

Mr. HARRISON. Before the Chair proceeds further I hope the Senator from Utah will accept the amendment. Here is a clear case where under the operation of the Underwood Act there were no importations at all.

Mr. SMOOT. It was an unknown article at that time.

Mr. HARRISON. If there is any item on which we might wish to reduce the rate, of course, the Senator can point out that it is going to affect some particular key industry. If we are constantly to have roll calls throughout on all of these individual amendments, we shall never get through with the bill.

Mr. SMOOT. I am just as anxious as the Senator can possibly be, and perhaps a little more so, to hasten the bill through.

Mr. HARRISON. Where could the Senator find a more striking case than in this particular item where there are no importations?

Mr. SMOOT. Up to 1925 that was true, but the industry at that time hardly existed.

Mr. HARRISON. The importations in 1928 were valued at $828 and amounted to 4,272 pounds.

Mr. SMOOT. In the silk manufacture that is one of the processes they must go through.

Mr. HARRISON. The Senator said the rayon industry itself makes its own acetic anhydride.

Mr. SMOOT. They do, and a mill is provided for that purpose. They manufacture it for their own use.

Mr. HARRISON. We ask for the yeas and nays on the amendment of the Senator from Kentucky.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FESS (when Mr. GRUNDY'S name was called). The junior Senator from Pennsylvania [Mr. GRUNDY] is unavoidably detained from the Senate. Were he present, he would vote "nay" on this question.

Mr. SULLIVAN (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. BROCK]. I transfer that pair to the Senator from Vermont [Mr. DALE] and will vote. I vote "nay."

Mr. PHIPPS (when Mr. WATERMAN'S name was called). My colleague [Mr. WATERMAN] is necessarily absent. He has a pair for the day with the junior Senator from Utah [Mr. KING]. If my colleague were present, he would vote "nay" on this question.

The roll call was concluded.

Mr. BINGHAM. I desire to announce that my colleague [Mr. WALCOTT] is unavoidably detained. He is paired with the junior Senator from Montana [Mr. WHEELER]. If my colleague were present, he would vote "nay."

Mr. GLENN. I have a general pair with the junior Senator from Arizona [Mr. HAYDEN]. I transfer that pair to the junior Senator from Pennsylvania [Mr. GRUNDY] and vote "nay."

Mr. NYE. My colleague [Mr. FRAZIER] is unavoidably absent from the city. On this question he is paired with the senior Senator from Delaware [Mr. HASTINGS]. Were those Senators present, my colleague would vote "yea," and the Senator from Delaware would vote "nay."

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. If he were present, he would vote "yea."

Mr. FESS. I wish to announce that the Senator from Pennsylvania [Mr. REED] has a general pair with the Senator from Arkansas [Mr. ROBINSON].

Mr. TOWNSEND. The senior Senator from Delaware [Mr. HASTINGS] is detained from the Senate because of illness in his family. If he were present, he would vote "nay."

Mr. SHEPPARD. I desire to announce that the Senator from Wyoming [Mr. KENDRICK] is necessarily absent on official business.

The PRESIDING OFFICER. On this question the yeas are 39 and the nays are 39——

Mr. HARRISON. I ask for a recapitulation of the vote.

The PRESIDING OFFICER. The clerk will recapitulate the vote.

The Chief Clerk recapitulated the vote.

The PRESIDING OFFICER. On this vote the yeas——

Mr. HARRISON (after having voted in the affirmative). I change my vote from "yea" to "nay," and ask for a reconsideration of the vote.

The roll call resulted—yeas 38, nays 40, as follows:

YEAS—38

Ashurst	Copeland	McKellar	Steck
Barkley	Dill	McMaster	Stephens
Black	Fletcher	Norbeck	Swanson
Blaine	George	Norris	Thomas, Okla.
Blease	Glass	Nye	Trammell
Borah	Harris	Overman	Tydings
Bratton	Hawes	Schall	Wagner
Brookhart	Heflin	Sheppard	Walsh, Mont.
Caraway	Howell	Simmons	
Connally	La Follette	Smith	

NAYS—40

Allen	Capper	Gillett	Gould
Baird	Couzens	Glenn	Greene
Bingham	Deneen	Goff	Hale
Broussard	Fess	Goldsborough	Harrison

Hatfield	McNary	Pine	Steiwer
Hebert	Metcalf	Ransdell	Sullivan
Jones	Moses	Robinson, Ind.	Thomas, Idaho
Kean	Oddie	Robsion, Ky.	Townsend
Keyes	Patterson	Shortridge	Vandenberg
McCulloch	Phipps	Smoot	Watson

NOT VOTING—18

Brock	Hastings	Pittman	Walsh, Mass.
Cutting	Hayden	Reed	Waterman
Dale	Johnson	Robinson, Ark.	Wheeler
Frazier	Kendrick	Shipstead	
Grundy	King	Walcott	

The PRESIDING OFFICER. On this question the yeas are 38, the nays are 40, and the amendment of the Senator from Kentucky [Mr. BARKLEY] is rejected.

Mr. HARRISON. I ask for a reconsideration of the vote by which the amendment was rejected.

The PRESIDING OFFICER. The Senator from Mississippi moves to reconsider the vote by which the amendment was rejected. [Putting the question.]

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. NYE (when Mr. FRAZIER'S name was called). My colleague [Mr. FRAZIER] is unavoidably absent from the city. Upon this question he has a pair with the senior Senator from Delaware [Mr. HASTINGS]. If those Senators were present and voting, my colleague would vote "yea," and the Senator from Delaware would vote "nay."

Mr. FESS (when Mr. GRUNDY'S name was called). The junior Senator from Pennsylvania [Mr. GRUNDY] is unavoidably detained from the Senate. Were he present, he would vote "nay."

Mr. SCHALL (when Mr. SHIPSTEAD'S name was called). My colleague [Mr. SHIPSTEAD] is unavoidably absent. Were he present, he would vote "yea."

Mr. SULLIVAN (when his name was called). I have a pair with the Senator from Tennessee [Mr. BROCK]. I transfer that pair to the Senator from Vermont [Mr. DALE] and will vote. I vote "nay."

The roll call was concluded.

Mr. FESS. I desire to announce the general pair of the Senator from Pennsylvania [Mr. REED] and the Senator from Arkansas [Mr. ROBINSON].

Mr. BINGHAM. I desire to announce that my colleague [Mr. WALCOTT] is unavoidably absent, being out of the city. He is paired on this question with the junior Senator from Montana [Mr. WHEELER]. If my colleague were present, he would vote "nay."

Mr. GLENN. Making the same announcement as on the last roll call, I vote "nay."

Mr. WHEELER. I have a pair with the Senator from Connecticut [Mr. WALCOTT]. I understand that if he were present he would vote "nay." I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and will vote. I vote "yea."

Mr. SHEPPARD. I desire to announce that the Senator from Wyoming [Mr. KENDRICK] is necessarily absent on official business.

The result was announced—yeas 41, nays 38, as follows:

YEAS—41

Ashurst	Dill	McMaster	Swanson
Barkley	Fletcher	Norbeck	Thomas, Okla.
Black	George	Norris	Trammell
Blaine	Glass	Nye	Tydings
Blease	Harris	Overman	Wagner
Borah	Harrison	Schall	Walsh, Mass.
Bratton	Hawes	Sheppard	Walsh, Mont.
Brookhart	Heflin	Simmons	Wheeler
Caraway	Howell	Smith	
Connally	La Follette	Steck	
Copeland	McKellar	Stephens	

NAYS—38

Allen	Goff	McCulloch	Shortridge
Baird	Goldsborough	McNary	Smoot
Bingham	Gould	Metcalf	Steiwer
Broussard	Greene	Moses	Sullivan
Capper	Hale	Oddie	Thomas, Idaho
Couzens	Hatfield	Patterson	Townsend
Deneen	Hebert	Phipps	Vandenberg
Fess	Jones	Pine	Watson
Gillett	Kean	Robinson, Ind.	
Glenn	Keyes	Robsion, Ky.	

NOT VOTING—17

Brock	Hastings	Pittman	Walcott
Cutting	Hayden	Ransdell	Waterman
Dale	Johnson	Reed	
Frazier	Kendrick	Robinson, Ark.	
Grundy	King	Shipstead	

So the motion to reconsider the vote whereby Mr. BARKLEY'S amendment was rejected was agreed to.

The VICE PRESIDENT. The question now is on the amendment proposed by the Senator from Kentucky [Mr. BARKLEY]. [Putting the question.] By the sound the noes seem to have it.

Mr. LA FOLLETTE, Mr. HARRISON, and Mr. BARKLEY called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN (when his name was called). Making the same announcement as on the last roll call, I vote "nay."

Mr. SCHALL (when Mr. SHIPSTEAD'S name was called). I ask to have the RECORD carry the same announcement I made on the last roll call with reference to my colleague [Mr. SHIPSTEAD].

Mr. SULLIVAN (when his name was called). I repeat the announcement made on the previous roll call and will vote. I vote "nay."

Mr. BINGHAM (when Mr. WALCOTT'S name was called). My colleague [Mr. WALCOTT] is unavoidably absent. He is paired with the junior Senator from Montana [Mr. WHEELER]. If my colleague were present, he would vote "nay."

Mr. WHEELER (when his name was called). Making the same announcement as before, I transfer my pair to the Senator from Nevada [Mr. PITTMAN] and will vote. I vote "yea."

The roll call was concluded.

Mr. RANSDELL. I have a pair on this question with the Senator from Minnesota [Mr. SHIPSTEAD]. I therefore refrain from voting.

Mr. NYE. Upon this question my colleague [Mr. FRAZIER], who is unavoidably absent, has a pair with the senior Senator from Delaware [Mr. HASTINGS]. Were they present and voting, my colleague would vote "yea," and the Senator from Delaware would vote "nay."

Mr. SHEPPARD. I desire to announce that the Senator from Wyoming [Mr. KENDRICK] is necessarily absent on official business.

Mr. FESS. I desire to announce the general pair of the Senator from Pennsylvania [Mr. REED] and the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 41, nays 39, as follows:

YEAS—41

Ashurst	Dill	McMaster	Swanson
Barkley	Fletcher	Norbeck	Thomas, Okla.
Black	George	Norris	Trammell
Blaine	Glass	Nye	Tydings
Blease	Harris	Overman	Wagner
Borah	Harrison	Schall	Walsh, Mass.
Bratton	Hawes	Sheppard	Walsh, Mont.
Brookhart	Heflin	Simmons	Wheeler
Caraway	Howell	Smith	
Connally	La Follette	Steck	
Copeland	McKellar	Stephens	

NAYS—39

Allen	Goff	Keyes	Robsion, Ky.
Baird	Goldsborough	McCulloch	Shortridge
Bingham	Gould	McNary	Smoot
Broussard	Greene	Metcalf	Steiwer
Capper	Hale	Moses	Sullivan
Couzens	Hatfield	Oddie	Thomas, Idaho
Deneen	Hebert	Patterson	Townsend
Fess	Johnson	Phipps	Vandenberg
Gillett	Jones	Pine	Watson
Glenn	Kean	Robinson, Ind.	

NOT VOTING—16

Brock	Grundy	King	Robinson, Ark.
Cutting	Hastings	Pittman	Shipstead
Dale	Hayden	Ransdell	Walcott
Frazier	Kendrick	Reed	Waterman

So Mr. BARKLEY'S amendment was agreed to.

Mr. BARKLEY obtained the floor.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from New York will state his inquiry.

Mr. COPELAND. May I have the attention of the Senator from Utah? If, perchance, it shall seem desirable to make an effort to transfer some article from the free list to some paragraph in the chemical schedule, would it be in order to do that now?

Mr. SMOOT. It would be better to wait until we get to the free list.

Mr. BARKLEY. Mr. President, on page 2, line 10, under the head of "boric acid," I move to strike out "1½" and insert in lieu thereof "1," so that the tariff on boric acid, if the amendment shall be adopted, will be 1 cent per pound.

The facts with reference to boric acid are very simple. In 1927 there were produced in the United States more than 21,000,000 pounds of boric acid, and the importations in 1927 amounted to only 406,000 pounds; 3,382,000 pounds were exported, about eight times the amount of the imports of boric acid.

Boric acid is used for very many things, among them being the making of enamel ware of iron and steel, kitchen ware, and sanitary ware. It is used as an ingredient in the glazing of earthenware and pottery. It is used in the manufacture of

some varieties of glass, and is also widely used as an antiseptic eyewash.

In view of the fact that the importations are infinitesimal compared with the domestic production, I think the rate ought to be reduced from 1½ cents to 1 cent.

Mr. SMOOT. Mr. President, I think there is no particular harm in this. I am perfectly willing to accept the amendment and let it go to conference.

Mr. SHORTRIDGE. Mr. President, how much revenue was derived by the Government last year from the tariff on this item?

Mr. SMOOT. Six thousand and twenty-three dollars.

Mr. SHORTRIDGE. I would like to ask the Senator from Kentucky whether he does not think that if the Government needs a little revenue it would not be wise now and then to impose a tariff on imports for the sole purpose of raising revenue?

Mr. BARKLEY. Mr. President, if I thought that my constant adherence to that theory would have any influence on the Senator from California, I might be favorably inclined, but in view of the fact that we have just reduced income taxes $160,000,000 a year because we had a surplus, I do not think a half a cent a pound on 400,000 pounds of boric acid will go very far toward keeping the Government out of bankruptcy. It amounts to about $2,000.

Mr. SHORTRIDGE. Quite true; but inasmuch as it requires about $4,000,000,000 to carry on this Government, and last year we received but about $602,000,000 from tariff duties, I put this question as it may apply to a great many other items which will be the subject of discussion, might it not be well for us to pause occasionally to think of the old doctrine of a tariff for revenue? Where in a given case the imports are small, then manifestly the revenue is of course small.

Mr. BARKLEY. I think it might be well to pause occasionally and consider that where the tariff is attempted to be put on as a revenue measure, but the tariff on boric acid is, frankly, not a revenue tariff; it is a protective tariff.

Mr. SHORTRIDGE. I believe in the tariff for two purposes, namely, for raising revenue for the Government, and for the protection of a given industry.

Mr. BARKLEY. In my judgment, in this case a tariff of 1½ cents is not needed either for revenue or as a matter of protection.

Mr. NORRIS. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. NORRIS. Carrying out the theory of the Senator from California, we might pause here to inquire whether the revenue would not be greater with the tariff at 1 cent than if the tariff were a cent and a half. Perhaps a cent and a half is pretty nearly an embargo. I notice that very little of this material is imported with a tariff of 1½ cents.

Mr. BARKLEY. I think the Senator's inquiry is very pertinent.

Mr. NORRIS. As a matter of fact, probably there would be more revenue with the duty at a cent than if it were a cent and a half.

Mr. BARKLEY. It is very probable that we would receive more.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment was agreed to.

Mr. BARKLEY. Mr. President, on page 2, line 12, I move to strike out "formic acid, 4 cents per pound."

Mr. SMOOT. What does the Senator desire to have done with that item?

Mr. BARKLEY. That would result in it going into the basket clause, where it is in the present law, with a rate of 25 per cent ad valorem.

Mr. SMOOT. Yes; that is where it would go.

Mr. BARKLEY. It would automatically go into the basket clause.

Mr. SMOOT. I did not know but that the Senator wanted to change the specific rate.

Mr. BARKLEY. No; I simply want to restore it to the basket clause, where it is now, with a rate of 25 per cent ad valorem.

Under the present rate, up until two or three years ago, there was no domestic production commercially. Operating under that rate, during the last three or four years the production has increased, and the domestic producers are now producing more than the entire importations under the 25 per cent rate. With that showing made in two or three years on behalf of the domestic producer, it does not seem to me that there is any justification for increasing this rate from 25 per cent to 55 per cent ad valorem, which is the rate carried in the bill.

Mr. SMOOT. Mr. President, in the act of 1922 formic acid fell in the basket clause at 25 per cent. The rate in the bill as it passed the House is 4 cents a pound, and the Senate committee rate is 4 cents a pound.

Formic acid is an important chemical in the dyeing and tanning industries, and its importance as a substitute for acetic acid is becoming greater as the demand for and price of the latter has increased due to its extensive use in the manufacture of acetate silk. The annual domestic consumption of formic acid, entirely supplied by imports from 1923 to 1928, increased from about 1,250,000 pounds to about 3,000,000 pounds during that time. There was no domestic production of formic acid from 1923 to 1928, when two firms began its manufacture.

Both formic and oxalic acids are made from the same raw materials, but the process differs in the treatment of the intermediate material—sodium formate.

During the war period imports of formic acid were under license control and the entire consumption was supplied by one domestic manufacturer. Two months after termination of license control domestic production ceased because of competition from imports. The price of formic acid then became higher than before the war, while at the same time the unit value of imported oxalic acid, the duty on which was increased from 4 cents to 6 cents per pound by presidential proclamation, decreased to less than before the war. This indicates that the increased duty on oxalic acid was partially absorbed by reduction in its price and partly by an increase in the price of formic acid.

Under normal operating conditions the cost of production of formic acid is slightly less than that of oxalic acid. One of the two domestic manufacturers of formic acid stated that the cost of production at capacity production during March and April, 1929, was 10.63 cents per pound f. o. b. plant, compared with 12.72 cents per pound for oxalic acid during the calendar year 1927.

In 1928 the unit values of imports of formic and oxalic acids were 7.7 and 5.2 cents per pound, respectively. The 25 per cent duty on formic acid was 1.92 cents per pound, compared with 6 cents per pound on oxalic acid.

The domestic manufacturer requested a duty of 6 cents per pound on formic acid. In giving a rate of 4 cents per pound (77 per cent equivalent ad valorem) the landed cost of the imported article is calculated to be 12.3 cents per pound as against a delivered cost of the domestic article at the same point of 11.2 cents per pound.

Formic acid costs less to make than oxalic acid, yet the invoice price is higher, showing that the foreign seller is taking a greater profit on the item when domestic competition has been small.

Mr. President, that is the story of the production and the sale of formic acid, and the reason why this rate was imposed on that article.

Mr. BINGHAM. Mr. President, bearing upon this and many other amendments, my colleague [Mr. WALCOTT] last evening delivered, over the national broadcasting radio hook-up, an extremely interesting and illuminating address on The Industrial Aspects of the Tariff, at the invitation of the National League of Women Voters. I ask unanimous consent that it may be printed in the RECORD at this point.

The VICE PRESIDENT. Is there objection?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF HON. FREDERIC C. WALCOTT, UNITED STATES SENATOR FROM CONNECTICUT, ON THE INDUSTRIAL ASPECTS OF THE TARIFF

A prosperous economic balance throughout the United States requires that both our agriculture and our manufacturing industries shall be upon a sound basis of profitable activity. This in turn requires that each shall have ample outlets for its products and at prices commensurate with our standard of living.

There was a time when our geographic location, our distance from competing countries, and the transportation difficulties and costs arising therefrom helped considerably in maintaining that shelter under which we have made such remarkable progress. But, as the means of communication have been bettered and transportation distances have been shortened and made less expensive by modern inventions and improvements, agriculture and industry within the United States have been made more and more subject to the competition generated by like activities in foreign countries, and hence are more dependent than ever before upon other than physical barriers to regulate this foreign competition, where labor is seriously underpaid and the laborers' living conditions deplorable.

We are all aware, of course, that since the liquidation which followed the World War, or for the last 10 years or more, our agriculture has not been upon a profitable basis, generally speaking. It has not had that degree of prosperity which many of our manufacturing industries have recorded. Both branches of the Congress have given much

sympathetic thought to the problem of bringing greater prosperity to our agricultural interests, but it must be admitted that thus far no miracle-working panacea has been found to remedy or remove all of the accumulated ills of the farmer.

Upon the other hand, it is well to remember that there are many of our manufacturing industries which have been, and are now, in like condition with our agriculture. Above all, we should keep clearly before us, as a matter of plain logic, the self-evident fact that we can not successfully build up one part of our economic structure by pulling down another part; that we can not benefit agriculture by destroying or permitting to be destroyed any part of that great industrial activity of the Nation, whose purchasing power furnishes the chief customer for our farm products.

It is apparent, therefore, that our economic problem is not in any sense a sectional one. It is national in scope, and it must be approached in the broad spirit of a constructive nationalism if any effective or lasting results are to be obtained.

It is true, of course, that a few of our very large industries which are ahead of their foreign competitors in employing the very latest labor-saving devices and the methods of mass production have so increased their output per employee that they have been able to pay slightly better than the prevailing rates of wages for like employment and still successfully meet foreign competition in the domestic market without the aid of tariff protection. But such industries as I have described are very few in number, and our foreign competitors are rapidly employing the improved machinery, which again places the foreign manufacturer in the lead, because he pays lower wages than prevail within the United States.

Another difficulty threatens American business: American capital is migrating to the foreign sources of cheap labor and lower production costs. Capital can move easily and must have inducements to remain at home.

It is important to remember that there are thousands of articles manufactured in this country which are made by substantially the same methods as are employed abroad. The raw materials for these do not cost less here than in foreign countries. Under such circumstances, with the same cost for material and involving the same amount of labor as is required in like processes abroad but at much higher wages than are paid anywhere else in the world, it is obvious that the cost of making such products here must be considerably more than elsewhere. This is our contribution to the high-wage theory under which we have made the American standard of living the envy of all other peoples.

We would not sacrifice or in any way endanger that standard of living of the American workman. It has made this a country of opportunity and advancement, in which all our people enjoy the comforts and an increasing number and variety of the luxuries of life. It has made for internal peace and contentment, the elimination of class distinctions, and the creation of a finer and more constructive cooperation between employer and employee than exists anywhere else in the world.

But it must be apparent that for those industries and their employees which have no mechanical advantage over their foreign competitors and whose products cost more to produce by reason of higher labor costs there must be some method of adjusting or equalizing the competing foreigner's advantage—some means of supporting and sustaining these higher wage rates which are the very basis of our higher standard of living and the foundation of our enormous purchasing power. Thus far no way has been found of making this adjustment except through the Federal Government, and the method employed is termed tariff protection. The measure of the needed protection, in the form of tariff duties upon imports, is the difference between production costs in foreign competing countries and those resulting from the most improved methods of manufacture and the use of labor-saving devices in the United States.

These differences in cost of production are scientifically determined by the Federal Tariff Commission upon the basis of facts gathered from all parts of the world. All of this testimony is submitted to the tariff committees of Congress by the Tariff Commission; and it is upon this groundwork that a Republican Congress enacts the protective rates for which the Republican Party has stood throughout its entire history.

To-day approximately 33,000,000 persons, or somewhat more than a quarter of our entire population, work from day to day, earning a livelihood by gainful occupation. Of these, approximately 15,000,000, or nearly one-half, are investors in the securities of our industrial corporations, our transportation systems, and our other public utilities. They are able not only to buy the necessities of life but to help finance the improvements and expansion of American business enterprises with the surplus earnings which come to them as a consequence of our higher wage scales.

Out of our high wage system, therefore, has come not only a large measure of industrial peace, with all of its obvious benefits, but a 3-cornered partnership between the owners, the managers, and the workmen, all of them investors in this great industrial structure for which they expect and have a right to demand every protection and safeguard that our Government can extend. Upon the principle of tariff protection this whole structure, including the standard of living, has been built, and only by tariff protection can it be maintained.

It is apparent, therefore, that it is the part of wisdom and of plain common sense for us to protect and preserve our industries in every possible way in order that they may continue to give employment at those wage levels which are the basis of our national prosperity and purchasing power. For it is these wage scales which leave to our workers a progressively larger surplus above an advancing living standard, and this surplus in turn is invested in our industrial and other corporate or private enterprises. Without a healthy functioning of this great industrial mechanism that we have created, no part of our Nation can be prosperous, and any attempt to break down this protection to industry and wages is a blow aimed at the very heart of America.

But there are two major branches of our economic existence. Manufacturing industries alone do not make the entire picture.

A large part of every State is devoted to agriculture. Some 12,000,000 of our people, or, perhaps, 10 per cent of our entire population, are engaged in or are dependent upon agriculture for a living. They produce from the soil the necessities of life, and in so doing they create a substantial part of the real wealth of the Nation. It is admitted that agriculture has not prospered as other enterprises have, and it is the clear duty of the Government to do everything within its power to remedy this situation. The problems involved, however, are so varied and difficult that many of them do not lend themselves to the remedies that are effective for industry.

Weather conditions are beyond human control. The seed, once planted, can not be altered to meet the changing fancy of the buyer. In industry there is a degree of flexibility which can not exist in farming. Control and cooperation are far more difficult.

Upon some of the major items of our agricultural production the protection of a tariff can not be fully effective. The existence of a surplus above our domestic consumption—unless that surplus can be held or adequately controlled—means that it must come into competition with the world price, which is often below our cost of production.

For example, in 1928 our wheat, corn, and cotton crops sold for the stupendous amount of $2,700,000,000; yet the hundreds of thousands of persons engaged in raising these crops, or dependent upon them, barely made a decent living. So great was the surplus in these crops—60 per cent in the case of cotton—that it had to be exported and sold in the world market. No tariff could effectively protect the price on these surpluses for the imports were negligible. Hence, if the farmer has to pay wages equal to those paid in industry—and he does have to pay nearly those wages in order to get the labor wherewith to plant and harvest his crops—it is obvious that he is engaged in a losing enterprise.

There has recently been created the Federal Farm Board. This board was designed, and has been financed, to help the farmer, by cooperative effort, to buy his materials to better advantage, to enable him to store and hold his crops until there is a demand for them, and to assist in bringing about more orderly marketing, in order to prevent the flooding of the market with any given crop.

Inasmuch as we are all interdependent, it is clear that the old maxim, "All for one and one for all," must be made to apply as fully as possible to our entire country, and that can not be done by trying to stimulate one branch of our productive system by deliberately stifling another branch.

The protection and welfare of our industry generates the purchasing power which affords the largest and richest market for our agricultural output. We can not help agriculture by contracting its best outlet.

We must protect the right of every person to earn a decent living, which means the ability to buy the necessities of life and enough over to educate the children and have something left for leisure and a surplus to be invested against a rainy day.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. BARKLEY].

Mr. McNARY. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. NYE (when Mr. FRAZIER's name was called). Upon this question my colleague the senior Senator from North Dakota [Mr. FRAZIER] is paired with the senior Senator from Delaware [Mr. HASTINGS]. Were they present and voting, my colleague would vote "yea," and the Senator from Delaware would vote "nay."

Mr. FESS (when Mr. GRUNDY's name was called). Making the same announcement as before as to the unavoidable absence of the junior Senator from Pennsylvania [Mr. GRUNDY], I wish to state that were he present he would vote "nay."

Mr. SCHALL (when Mr. SHIPSTEAD's name was called). My colleague [Mr. SHIPSTEAD] is unavoidably absent. Were he present, he would vote "yea."

Mr. SULLIVAN (when his name was called). Repeating my statement made on the previous vote, I vote "nay."

Mr. PHIPPS (when Mr. WATERMAN's name was called). Repeating my announcement as to my colleague's pair, I wish to state that if present he would vote "nay."

The roll call was concluded.

Mr. SHEPPARD. I desire to announce that the Senator from Wyoming [Mr. KENDRICK] is necessarily absent on official business. I wish also to announce that the Senator from Montana [Mr. WHEELER] is paired with the Senator from Connecticut [Mr. WALCOTT].

Mr. FESS. I wish to announce the general pair of the Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON].

Mr. RANSDELL. On this vote I have a pair with the Senator from Minnesota [Mr. SHIPSTEAD]. I therefore refrain from voting.

Mr. GLENN. Making the same announcement as on the last vote, I vote "nay."

Mr. METCALF (after having voted in the negative). I find that my pair, the Senator from Maryland [Mr. TYDINGS], has not voted. I transfer my pair to the junior Senator from Kansas [Mr. ALLEN] and let my vote stand.

The result was announced—yeas 42, nays 34, as follows:

YEAS—42

Ashurst	Couzens	Kendrick	Smith
Barkley	Cutting	La Follette	Steck
Black	Dill	McKellar	Stephens
Blaine	Fletcher	McMaster	Swanson
Blease	George	Norbeck	Thomas, Okla.
Borah	Glass	Norris	Trammell
Bratton	Harris	Nye	Wagner
Brookhart	Harrison	Overman	Walsh, Mass.
Capper	Hawes	Schall	Walsh, Mont.
Caraway	Heflin	Sheppard	
Connally	Howell	Simmons	

NAYS—34

Baird	Gould	McNary	Shortridge
Bingham	Greene	Metcalf	Smoot
Broussard	Hale	Moses	Sullivan
Deneen	Hatfield	Oddie	Thomas, Idaho
Fess	Hebert	Patterson	Townsend
Gillett	Jones	Phipps	Vandenberg
Glenn	Kean	Pine	Watson
Goff	Keyes	Robinson, Ind.	
Goldsborough	McCulloch	Robsion, Ky.	

NOT VOTING—20

Allen	Grundy	Pittman	Steiwer
Brock	Hastings	Ransdell	Tydings
Copeland	Hayden	Reed	Walcott
Dale	Johnson	Robinson, Ark.	Waterman
Frazier	King	Shipstead	Wheeler

So Mr. BARKLEY's amendment was agreed to.

Mr. BARKLEY. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, lines 3 and 4, strike out the words "containing by weight of phosphoric acid less than 80 per cent"; also, in line 5, strike out "80 per cent or more, 3½ cents per pound," so as to read:

Phosphoric acid, 2 cents per pound.

Mr. BARKLEY. Mr. President, I will state to the Senator from Utah that the amendment simply restores the present law as it relates to phosphoric acid, of which we produced 22,397,000 pounds in 1927 compared with a domestic production of a little over 6,000,000 pounds in 1921, and compared with importations of 316,000 pounds in 1928. Under these circumstances I see no reason why there should be any increase in the tariff on phosphoric acid.

Mr. SMOOT. Mr. President, I call the attention of the Senate to this particular item of phosphoric acid. In the act of 1922 it carried a rate of 2 cents a pound. In the House bill phosphoric acid containing by weight of phosphoric acid less than 80 per cent was 2 cents a pound; 80 per cent or more, 3½ cents a pound. The Senate committee amendment provided for phosphoric acid containing by weight of phosphoric acid less than 80 per cent, 2 cents a pound, and 80 per cent or more, 3½ cents a pound.

Phosphoric acid occurs in two grades, as the amendment indicates, the medicinal grade containing 80 per cent or more of phosphoric acid, and the commercial grade, which ranges from 50 to 75 per cent strength. No change has been made in the rate on commercial phosphoric acid. That is left as it is in the present law. However, the act of 1922 does not distinguish between medicinal and commercial phosphoric acid. The medicinal grade must contain at least 80 per cent by weight of phosphoric acid according to the specifications of the United States Pharmacopœia. Commercial phosphoric acid contains 50 to 75 per cent of phosphoric acid by weight. Competition in imports of medicinal phosphoric acid has been severe. The committee therefore agreed with the House increase on the medicinal grade from 2½ to 3½ cents a pound, which is covered by the insertion of the provision reading "containing by weight of phosphoric acid 80 per cent or more, 3½ cents per pound," while the commercial grade containing less than 80 per cent by weight of phosphoric acid remains at 2 cents.

In the last three years we have produced about one-third of our consumption of the United States Pharmacopœia grade, or the medicinal grade, of phosphoric acid. The committee made no change in the 2-cent rate on the lower grade, but for the medicinal grade, where we produce only one-third of the consumption of the United States, the rate was increased. It is for that reason that not only the House raised the rate upon medicinal phosphoric acid but the Senate Finance Committee concurred in it.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment was agreed to.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. Under the language on page 3, "all other acids and acid anhydrides not specially provided for, 25 per cent ad valorem," is included bromic acid. I desire to transfer that product to the free list. In order to do that is it necessary to offer an amendment at this time, or should I wait until we get to the free list?

Mr. SMOOT. The better way would be to leave it until we reach the free list.

Mr. BARKLEY. Then I have no further amendments to paragraph 1.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry. I inquire if the amendment offered previously by the Senator from Kentucky has been agreed to?

The PRESIDING OFFICER. The Chair announced that the amendment had been agreed to.

Mr. BARKLEY. Mr. President, if there is no other amendment to paragraph 1, I desire to offer an amendment to paragraph 2.

Mr. SMOOT. The Senator from Wisconsin has an amendment to offer to paragraph 1, I understand.

Mr. LA FOLLETTE. I was prepared to offer amendments similar to those offered by the Senator from Kentucky, but, in view of the fact that the Senator from Kentucky has offered them, I do not care to press my amendments.

Mr. SMOOT. Schedule 2 begins on page 35.

Mr. LA FOLLETTE. Mr. President, I think that paragraph 2 of Schedule 1 comes next.

The PRESIDING OFFICER. Are there any further amendments to paragraph 1?

Mr. BARKLEY. I have no further amendments to offer to that paragraph.

Mr. SMOOT. Does the Senator from Kentucky desire to offer any amendment to paragraph 2?

Mr. BARKLEY. The Senator from Mississippi [Mr. HARRISON] desires to offer an amendment to that paragraph.

Mr. WALSH of Massachusetts. Mr. President, I should like to inquire of the Senator from Utah, while the Senator from Mississippi is preparing his amendment, what rate is left on oxalic acid?

Mr. SMOOT. The rate remains at 6 cents a pound.

Mr. WALSH of Massachusetts. The rate remains where it was placed by presidential proclamation?

Mr. SMOOT. The rate provided in the bill is the rate provided in the President's proclamation.

Mr. WALSH of Massachusetts. I think it should so remain.

Mr. BARKLEY. Mr. President, I contemplated offering an amendment striking out on page 3 from lines 9 to 24, inclusive, embracing the whole of paragraph 2, and inserting the provisions of the present law in lieu thereof. The Senator from Mississippi [Mr. HARRISON], however, wants to offer an amendment to perfect an item in that paragraph, and I withhold my amendment until the Senator from Mississippi shall have had that opportunity.

Mr. HARRISON. On page 3, line 14, I move to strike out "ethylene glycol" and to insert "ethylene glycol" at the end of the paragraph with a new rate.

Mr. WALSH of Massachusetts. To what product does the Senator refer?

Mr. HARRISON. To ethylene glycol. I desire to reduce the rate to 6 cents per pound and 20 per cent ad valorem.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi.

Mr. WALSH of Massachusetts. Will the Senator from Mississippi state his reasons for the amendment?

Mr. HARRISON. The reasons are these: Ethylene glycol is the most important of the ethylene derivatives and is somewhat similar to glycerin in its properties. Its chief use

is as a partial substitute for glycerin in the manufacture of dynamite, the freezing point of which it lowers. It is also consumed in rapidly increasing quantities as an antifreeze in automobile radiators, to a considerable extent displacing denatured alcohol and glycerin.

The domestic production of ethylene and prophylene derivatives has been almost entirely by one firm having patents on the products. Ethylene glycol ranks among the leading industrial organic chemicals. Its total domestic consumption increased from 10,000 pounds in 1922 to 11,723,000 pounds in 1927.

Imports have been negligible under the present tariff law. Imports of ethylene glycol amounted to only 55 pounds in 1927 and about 1,500 pounds in 1926 and 1928.

In this instance production has been increasing enormously, largely because of the use of ethylene glycol as an antifreeze in automobile radiators, and the importations are negligible, being 55 pounds. It would seem, therefore, without question that the tariff ought to be reduced. The reduction I have proposed is most conservative, being from 6 cents a pound and 30 per cent ad valorem to 6 cents a pound and 20 per cent ad valorem.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Mississippi, in connection with the amendment he has offered, what rate does he propose on the derivatives of this chemical? Does he want any change in the rates on the derivatives?

Mr. HARRISON. I am not asking for any change in the rates on the derivatives, but merely on ethylene glycol.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BARKLEY. I contemplated offering an amendment striking out all of the language of this paragraph and inserting the language of the present law, which includes ethylene glycol at 6 cents a pound and 30 per cent ad valorem. Would it be in order for the Senator from Mississippi to offer his amendment as an amendment to that?

Mr. HARRISON. I will be very glad to take that course.

Mr. SMOOT. It seems to me that would be the best way in which to proceed.

Mr. HARRISON. If the Senator from Kentucky will offer his amendment, I withdraw mine and offer it as an amendment to his amendment.

Mr. BARKLEY. I move to strike out the entire paragraph and to insert the language which I ask the clerk to read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, after line 8, it is proposed to strike out paragraph 2 and insert in lieu thereof the following:

PAR. 2. Acetaldehyde, aldol or acetaldol, aldehyde ammonia, butyraldehyde, crotonaldehyde, paracetaldehyde, ethylene chlorohydrin, ethylene dichloride, ethylene glycol, ethylene oxide, glycol monoacetate, propylene chlorohydrin, propylene dichloride, and propylene glycol, 6 cents per pound and 30 per cent ad valorem.

Mr. LA FOLLETTE. Mr. President, I should like to suggest to the Senator from Kentucky that, according to the Summary of Tariff Information, the duty in the existing law which he now proposes to reinsert has practically prohibited any importations of these chemicals. According to the Summary of Tariff Information, the imports for 1928 were 4,472 pounds, valued at $803.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. BARKLEY. The prime object I had in offering the amendment was to eliminate the speculative commodities.

Mr. LA FOLLETTE. I understand that, and I am in entire sympathy with the purpose of the Senator's amendment.

Mr. BARKLEY. I am perfectly willing to modify it so as to carry the 6 cents per pound and 20 per cent ad valorem rate as proposed by the Senator from Mississippi in the case of ethylene glycol to all the products mentioned in the paragraph.

Mr. LA FOLLETTE. It seems to me that the Senator is absolutely justified in offering such an amendment, because many of the chemicals covered in the paragraph reported by the committee are in the laboratory stage and are not produced commercially at all. However, what I am suggesting to the Senator is that it seems to me the figures would indicate that there is a prima facie case here for a reduction of the rate under that in exisitng law upon the various chemicals included in the paragraph.

Mr. BARKLEY. I agree with the Senator.

Mr. LA FOLLETTE. And I should like to suggest to the Senator that he make his amendment conform to the rate provided by the Senator from Mississippi for ethylene glycol.

Mr. BARKLEY. I just said I was willing to modify the amendment so as to provide a rate of 6 cents a pound and 20 per cent ad valorem instead of 6 cents a pound and 30 per cent ad valorem, and I modify it to that extent.

The PRESIDING OFFICER. The Senator has that right. Does the Senator make that modification?

Mr. BARKLEY. I offer the amendment as thus modified.

Mr. HATFIELD. Mr. President, I can not quite understand what argument could be presented that would justify a reduction in the tariff on this particular article, especially in view of the fact that the age of this domestic product is about three years, that it was developed because of the encouragement resulting from conditions incident to the World War, and that there is a great demand for it in America.

Mr. President, ethylene glycol is made from natural gas and the lighter gases found in petroleum. It resembles glycerin. It is used in the manufacture of dynamite and as an antifreeze in automobiles. In the manufacture of ethylene glycol the plant and its products are absolute war essentials as the source of mustard gas, the most important element in chemical warfare.

Ethylene glycol is one of the many products covered by paragraph 2, all of them new, and for this reason international trade has not seriously begun. Hence, there are no important imports or exports. The example of the United States in producing these substances, especially ethylene glycol, is now being followed in other countries as a matter of war necessity.

The commodities embraced in paragraph 2 are of the highest commercial necessity. The capital investment has already approximated $50,000,000 in West Virginia, and competitive plants are being erected in other States. The business already developed is not as yet paying a return upon this investment.

Reference is made to the testimony on behalf of the Carbide & Carbon Chemical Corporation, of Charleston, W. Va., volume 1, Schedule 1, hearings before the Ways and Means Committee of the House of Representatives, page 205, and particularly to the brief of the Carbide & Carbon Chemical Corporation on page 213 of the same volume.

One of the very interesting peace-time developments in the chemical industry since the World War is the industrial manufacture and use of ethylene glycol and related products provided for in section 1, paragraph 2, of the pending tariff bill. Shortly after the outbreak of the war the Government approached the Union Carbide organization as to the possibility of manufacturing synthetically mustard gas. A scientific investigation by the chemists of that company disclosed that this poison gas could be readily produced by treating thio-di-glycol with hydrochloric acid. Both of these products are quite readily transportable, and the poison gas itself could be made near the scene of action.

However, the investigation also quickly showed that practically no work had been done outside of Germany toward production of the necessary raw material required for thio-di-glycol, namely, ethylene chlorhydrin. This substance—ethylene chlorhydrin—was apparently being produced at that time in commercial quantities in Germany as a basis for making thio-di-glycol and its conversion into mustard gas.

After considerable research and experimental work, the Carbide Co. perfected the technique of producing ethylene chlorhydrin in commercial quantities under cost conditions which permitted its subsequent conversion to thio-di-glycol by means of uniting the chlorhydrin with sodium sulphide. It was found that the most logical source of ethylene gas required for the ethylene chlorhydrin was the natural gas of West Virginia, and that the satisfactory operation of a chlorhydrin plant required the production of the material on a large commercial basis.

At the conclusion of the war, definite scientific steps were taken by the Carbide Co. in cooperation with the Chemical Warfare Service toward the development of a peace-time chemical industry which would utilize large quantities of ethylene chlorhydrin so that the material might be readily available for diversion to the production of thio-di-glycol when and if necessary. This program involved an initial expenditure of over $5,000,000 and could only be undertaken with considerable uncertainty as to the future commercial success of the peace-time products.

As a result of the interest upon the part of the Chemical Warfare Service and the protection wisely given this new industry at the time of the enactment of the present tariff act, this large expenditure was made and an intensive merchandising effort started to establish sufficient tonnage of peace-time products to warrant the maintenance of an ethylene chlorhydrin plant large enough to be of value to the Government for the production of mustard gas in the event of an emergency.

One of the principal products of this group is ethylene glycol, which is now manufactured and used extensively in the manufacture of explosives, in the automotive industry for antifreeze purposes, and so forth. The following data showing the increase

in yearly production of this product together with the decrease in selling price illustrate the satisfactory result of this effort to replace on a sound, business, peace-time basis this potential mustard-gas plant:

Production of ethylene glycol

(Tariff Information Series, Schedule 1, p. 29)

	Tonnage	Price
	Pounds	*Per pound*
1922	10,000	$1.00
1923	50,000	.75
1924	144,562	.65
1925	2,189,689	.50
1926	5,714,823	.40
1927	11,722,798	.30
1928	19,521,104	.27

The entrée of ethylene glycol as a commercially available product in the chemical field has created intense interest in practically every country where national defense is a matter of interest. As a result, there is a strong tendency upon the part of each such country to be self-contained with respect to peace-time maintenance and operation of an ethylene glycol plant as a potential source of mustard-gas production in the event of an emergency. As stated, this type of plant has been in operation in Germany by the German Chemical Trust—the I. G.—ever since the beginning of the war. An ethylene chlorhydrin plant is now being operated in England for the production of ethylene glycol by the Imperial Chemicals (Ltd.). Definite steps have been taken in France toward the establishment of a plant in that country. A recent Russian commission which visited this country stated that they were definitely interested in the product. The Japanese Government is now conducting an investigation as to the conditions under which such a plant can best be operated in Japan.

As the demand for ethylene chlorhydrin during a national emergency will in most countries be considerably greater than its demand for conversion into ethylene glycol and related products during peace time, the natural tendency upon the part of these different countries will be to encourage the erection of a plant larger than required for domestic peace-time operations, with the result that there will always be—as now exists upon the part of Germany and England—a strong desire upon the part of the various foreign countries to send their surplus peace-time production of ethylene glycol and other correlated products which can be produced by the same plant to this country, on account of its larger potential markets. Failure to protect our domestic markets against such importation would, of course, restrict the domestic manufacture of the products during peace time, was a definite detrimental effect on the current operation and future expansion of this industry so essential to national defense.

The price of ethylene dichloride in January, 1923, was $1.20 per pound. In October, 1928, it was $0.07 per pound.

Mr. President, this company began operations in West Virginia in 1926. Its product in 1926 was 2,000 tons; in 1927, 5,000 tons; and in 1928, 9,000 tons. Its profit in the years 1926, 1927, and 1928 was a total of $640,000. The investment is $15,000,000. The profit for the three years was a total of 4.26 per cent, or an average of 1.42 per cent per year.

I submit to this body this evidence as a justification of the continuation of the present tariff rate. To ask men to invest their money to the extent of $15,000,000, which was encouraged by the Federal Government, and then to turn around, before any substantial return had been made upon this investment, and bring them in competition with like industries beyond the sea and practically destroy them, I believe is unpatriotic; nor do I believe the Senate will want to do it when it understands the facts in the case.

Mr. BARKLEY. Mr. President, I desire to add just a word to what the Senator from Mississippi [Mr. HARRISON] stated at an earlier time with reference to the amendment which he offered to ethylene glycol.

These ethylene and propylene gases are derived from certain petroleum cracking processes. Ethylene chlorohydrin is obtained by the chlorination of ethylene, and is an intermediate product in the synthesis of the other ethylene derivatives.

The principal uses of ethylene glycol, which is somewhat similar to glycerin, are as a partial substitute for glycerin in the manufacture of dynamite, as the Senator from West Virginia [Mr. HATFIELD] has stated. It is also used very largely now in the manufacture of antifreeze liquids for the purpose of winter use in automobiles as a substitute for alcohol, which, from my own experience, I will say are more efficient and less calculated to damage the automobile than the use of alcohol. I am not undertaking to advertise this product, but it is true.

Mr. HATFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from West Virginia?

Mr. BARKLEY. I yield.

Mr. HATFIELD. That is very true. It evaporates less and is more efficient than glycerin, because glycerin blocks up the radiator, so that it is necessary to have it boiled out occasionally. This seems to be a very fine article as an antifreeze liquid to be used in the radiators of automobiles.

Mr. BARKLEY. Undoubtedly that is true.

So far as domestic production is concerned, it seems to me that the present rate has fostered a very miraculous expansion of this business. The domestic production of ethylene and propylene derivatives increased from 10,000 pounds in 1922 to 11,723,000 in 1927.

Mr. SMOOT. And if the Senator will refer back to 1921 he will find it has increased even more than that, because they did not have any then.

Mr. HATFIELD. They did not have a bit.

Mr. BARKLEY. And the imports were nothing. In 1927 we imported only 55 pounds.

Mr. HATFIELD. They were just being projected then.

Mr. BARKLEY. And in 1928 the imports were only 1,500 pounds. So that when we compare the 1,500 pounds with a domestic production of 11,723,000 pounds, it strikes me that this reduction is justified. The rate now runs up as high as 74 per cent, and in view of the universal use of this product as one of the necessaries connected with the automotive industry, I think this reduction is justified.

Mr. HATFIELD. In the face of the financial statement as to the earnings made by this company?

Mr. BARKLEY. I am not in a position to question the financial statement; but that financial statement certainly is not due to imports, because if we are importing only 1,500 pounds as against 11,723,000 pounds it certainly is not attributable to competition from abroad.

Mr. HATFIELD. That is very true; it is due to the investment. A like investment has been going on abroad, and the next few years will tell the story so far as competition goes.

Mr. BARKLEY. I do not care to discuss the matter any further.

The PRESIDING OFFICER. The question is upon agreeing to the amendment proposed by the Senator from Kentucky [Mr. BARKLEY].

Mr. HATFIELD. I ask for the yeas and nays.

Mr. SMOOT. Let us have the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. SCHALL (when Mr. SHIPSTEAD's name was called). My colleague [Mr. SHIPSTEAD] is unavoidably absent. If present, he would vote "yea."

Mr. STEIWER (when his name was called). On this vote I have a special pair with the senior Senator from New Mexico [Mr. BRATTON]. In his absence, not knowing how he would vote, I withhold my vote. If I were permitted to vote, I would vote "nay."

Mr. PHIPPS (when Mr. WATERMAN's name was called). Making the same announcement as to my colleague's pair, I desire to state that if he were present he would vote "nay."

Mr. WHEELER (when his name was called). I have a general pair with the junior Senator from Connecticut [Mr. WALCOTT]. If he were present, I understand he would vote "nay." I transfer my pair to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

The roll call was concluded.

Mr. DALE. I have a general pair with the junior Senator from Massachusetts [Mr. WALSH], and, therefore, I withhold my vote.

Mr. NYE. Upon this question my colleague the senior Senator from North Dakota [Mr. FRAZIER] is paired with the senior Senator from Delaware [Mr. HASTINGS]. If those Senators were present, my colleague would vote "yea," and the Senator from Delaware would vote "nay."

Mr. GLENN. Making the same announcement as on the last vote, I vote "nay."

Mr. FESS. I desire to announce the general pair of the senior Senator from Pennsylvania [Mr. REED] with the senior Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 38, nays 41, as follows:

YEAS—38

Barkley	Blease	Brookhart	Connally
Black	Borah	Capper	Couzens
Blaine	Brock	Caraway	Cutting

Dill	Howell	Overman	Swanson
Fletcher	La Follette	Schall	Thomas, Okla.
George	McKellar	Sheppard	Tydings
Glass	McMaster	Simmons	Walsh, Mont.
Harris	Norbeck	Smith	Wheeler
Harrison	Norris	Steck	
Heflin	Nye	Stephens	

NAYS—41

Allen	Greene	McNary	Smoot
Baird	Hale	Metcalf	Sullivan
Bingham	Hatfield	Moses	Thomas, Idaho
Copeland	Hawes	Oddie	Townsend
Deneen	Hebert	Patterson	Trammell
Fess	Johnson	Phipps	Vandenberg
Gillett	Jones	Pine	Wagner
Glenn	Kean	Ransdell	Watson
Goff	Kendrick	Robinson, Ind.	
Goldsborough	Keyes	Robsion, Ky.	
Gould	McCulloch	Shortridge	

NOT VOTING—17

Ashurst	Grundy	Reed	Walsh, Mass.
Bratton	Hastings	Robinson, Ark.	Waterman
Broussard	Hayden	Shipstead	
Dale	King	Steiwer	
Frazier	Pittman	Walcott	

So Mr. BARKLEY's amendment was rejected.

Mr. HARRISON. Mr. President, I want to reduce the rate from 6 cents per pound and 30 per cent ad valorem on ethylene glycol and its derivatives to 6 cents per pound and 20 per cent ad valorem. Consequently I move, on page 3, line 14, to strike out "ethylene glycol" and at the bottom of the paragraph to insert the language I send to the desk.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 3, paragraph 2, line 14, the Senator from Mississippi proposes to strike out the words "ethylene glycol," and in line 24, before the period, to insert a semicolon and the following words:

Ethylene glycol, 6 cents per pound and 20 per cent ad valorem.

Mr. HARRISON. Mr. President, this matter has been discussed. The amendment applies merely to ethylene glycol and its derivatives.

Mr. SMOOT. Mr. President, I have no intention of discussing the amendment. Let the vote be taken.

Mr. BARKLEY. Mr. President, I want to offer as an amendment the provision in the present law, with the present rate carried in this paragraph. The vote we had a while ago was on a reduction below the 30 per cent to 20 per cent on all the articles in the paragraph, including the one mentioned in the amendment offered by the Senator from Mississippi. Will it be in order to offer an amendment to insert the provision of the present law and at the end of that to carry the amendment of the Senator from Mississippi?

The VICE PRESIDENT. That would be in order.

Mr. SMOOT. One vote would be sufficient.

Mr. BARKLEY. So as to leave the law as it is at present as to all the articles in the present law except ethylene glycol, and provide that that should bear the rate suggested by the Senator from Mississippi.

Mr. SMOOT. To have the law as it is at present, except as suggested by the Senator from Mississippi in his amendment.

Mr. BARKLEY. Yes. I offer that amendment.

The VICE PRESIDENT. Let the amendment be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 3 the Senator from Kentucky proposes to strike out all of paragraph 2 and to insert the present law, reading as follows:

PAR. 2. Acetaldehyde, aldol or acetaldol, aldehyde ammonia, butyraldehyde, crotonaldehyde, paracetaldehyde, ethylene chlorohydrin, ethylene dichloride, ethylene glycol, ethylene oxide, glycol monoacetate, propylene chlorohydrin, propylene dichloride, and propylene glycol, 6 cents per pound and 30 per cent ad valorem.

And to add at the end thereof the words:

Ethylene glycol, 6 cents per pound and 20 per cent ad valorem.

Mr. SMOOT. I ask for the yeas and nays.

Mr. BARKLEY. Mr. President, I merely wish to state that the difference between this and the amendment voted on a while ago is that in that amendment there was a reduction from the ad valorem rate of 30 per cent to 20 per cent. This carries the same rate now in the law but eliminates a lot of these laboratory speculative commodities which are not being produced at all commercially in this country and which have been thrown in here regardless of that fact and bearing this high rate.

Mr. SMOOT. Mr. President, I can not quite agree with the broad statement the Senator has made. I am sure the Senator, after further consideration, would not make so broad a statement.

Mr. BARKLEY. Most of the products that have been added are in the process of laboratory investigation. They are not being produced.

Mr. HATFIELD. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. I yield.

Mr. HATFIELD. I wish to say for the information of the Senator that 30 different articles are derived from the manufacture of this hydrocarbon group.

Mr. SMOOT. At least that.

Mr. HATFIELD. At least 30.

Mr. COPELAND. Mr. President, I can see how this schedule might have been divided into two brackets, but making this provision in the law will result, I fear, in the cessation of the very laboratory experiments of which the Senator from Kentucky speaks. If there is to be no benefit to our people from the adoption of the amendment, I can see no reason for taking the hazard of interfering with legitimate investigations now going on.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. COPELAND. I yield.

Mr. LA FOLLETTE. What makes the Senator feel that it will interfere with these investigations if these products are not produced in this country, if when they are produced in this country the producers of them may go before the Tariff Commission, whichever flexible plan is adopted finally in the bill? To put a high duty on these products before there is any domestic production on a commercial scale seems to me a very strange manner in which to enact a tariff law.

Mr. COPELAND. Mr. President, I agree with what the Senator has said about these particular articles. If somebody will take this paragraph and divide it so as to cover in one part those articles which are being made and in another those which would come under such an arrangement as the Senator from Wisconsin speaks of, I would have no objection to voting for such an arrangement, but my fear is that if we legislate in this haphazard way we may be putting obstacles to the progress which is now being made in the development of this industry.

Mr. SMOOT. Mr. President, there is no industry in the United States in the development of which there is a greater prospect of discovery than in this very industry. There is no activity in which there have been so many discoveries since the enactment of the last tariff law as we find in the case of the chemical industry. It seems to me we must put the articles in a basket clause or directly name the commodities if we are to take care of everything. Where any of the remarkable discoveries being made relate to any article that falls in paragraph 2, they fall in this paragraph naturally and necessarily. If we are to go on with the discovery of new chemicals, the parties who are to put up the money, the parties who are laboring to bring about developments, the parties who are going to try to manufacture them ought to have some kind of protection. I think it would be impossible to frame the language so that they would not receive the benefit. It is true, furthermore, that the President has the power of increasing rates 50 per cent. That may not cover a product that perhaps would cost us $10 an ounce or $10 a pound or 5 cents a pound or 5 cents an ounce. I think it can be covered generally.

Mr. BARKLEY. Mr. President, will the Senator from New York yield?

Mr. COPELAND. I yield.

Mr. BARKLEY. I appreciate the fact that probably an effort to divide this paragraph into two paragraphs, so as to eliminate those things which are not being produced in the United States, would be a more scientific way to arrive at the object desired, and if the Senator from Utah will agree that after further investigation, if it may seem desirable, I may offer such an amendment, I may be willing to withdraw my amendment and allow the amendment offered by the Senator from Mississippi to be adopted, and look further into this paragraph, with a view to trying to get it straightened out in the future.

Mr. LA FOLLETTE. Mr. President, I wish to point out that I fail to see upon what basis or theory the Finance Committee or any other committee may provide a rate of duty in advance for a product which is not produced in the United States in commercial quantities. Talk about being unscientific; that certainly is a leap in the dark, and if the Senate of the United States is going to adopt the policy of affording protection to articles that may be produced in the future, we certainly have surpassed all the dreams of the superprotectionists who have ever lived.

Mr. SMOOT. The products that are discovered between the passage of one tariff bill and the consideration of the next one generally fall in the basket clause. That is necessarily so; otherwise there would be no provision for their coming in free or under a duty.

Mr. COPELAND. Mr. President, does not the Senator from Wisconsin agree that the suggestion made by the Senator from Kentucky [Mr. BARKLEY] is a reasonable one? Some one will go over the schedule and divide it into two parts, into those chemicals where there is no need of protection and into those where there is need of protection. If we go over this matter in a haphazard way and make some general provision we may do the chemical industry great harm, and I know the Senator does not desire that. But if some one will make the proposed study and divide the paragraph in the way suggested, I believe there can be brought in an amendment that will serve the purpose of all of us.

Mr. BARKLEY. The mere division of the paragraph may not be the solution. The solution, in my opinion, is in the elimination of articles in the paragraph not now being produced here. It is a conglomeration of scientific terms which require considerable investigation to determine which part of them and to what extent they should be eliminated.

Mr. SMOOT. As far as I can, I will accept the suggestion of the Senator that we vote on paragraph 2 with the amendments of the Senator from Mississippi.

Mr. BARKLEY. That is, with the understanding that after further investigation I may offer an amendment to the paragraph to accomplish the purpose we have in mind?

Mr. SMOOT. I have no objection to that.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The question now is on agreeing to the amendment of the Senator from Mississippi. The Senator from West Virginia [Mr. HATFIELD] is recognized.

Mr. HATFIELD. Mr. President, for the information of the Senate I beg to suggest that there are many of these new elements which are just in the process of being placed upon the market. The life of the hydrocarbon group of chemicals is just begun; they are just in their infancy. No one can forecast what the future may have in store in the way of additional developments. Some of the members of the newer groups are butyraldehyde, crotonaldehyde, paracetaldehyde, and paraldehyde.

Paraldehyde is a great drug, and is one that has been recently produced. It has become a member of the hydrocarbon family, which is almost indispensable in the practice of surgery and medicine. It is that drug which, when combined with ether and olive oil, produces twilight sleep. It is that combination which enables the surgeon, by rectal anesthesia, to perform without shock extensive and long operations lasting for hours, and after the operation has been accomplished or perfected the patient still lies in a state of analgesia, or semiconsciousness, passing through the period of shock and through the period of pain for a time, possibly 24 hours, awakening as if from a refreshing sleep. This discovery has eliminated morphine, codeine, and like narcotic chemicals, thereby preventing the individual from being subjected to the possibilities of the drug habit. The ramifications of these drugs and their future, as I stated in the beginning, can not be forecast at the present time. The great work that has been done and that has been accomplished by the Chemical Foundation supports these contentions.

These products are included in the group of aliphatic chemicals and are derivatives of the better-known hydrocarbons, ethylene, propylene, and acetylene. Within the past decade they had for the most part been produced in a small way and were generally considered as laboratory curiosities. As a result of many years of research and the expenditure of very large sums of money synthetic methods of preparation were evolved which would permit of their commercial production, provided uses could be found which would allow large-scale manufacture.

How much encouragement will there be to the chemists of our country to develop these new products if they are brought in competition with the chemical industry beyond the sea which makes impossible the development of the products other than through a continued financial loss, as has been the experience of the past?

Necessarily the financing of such an undertaking required unusual foresight and courage, since the preparation of these compounds indicated that they must compete with products more readily available, already established and obtainable at prices considerably lower than those at which these synthetic products could be produced on other than a volume basis. It was evident that years of research on their commercial applications, the expenditure of a great amount of sales effort, and operation for a long period of time with financial loss would be required before this enterprise could become self-sustaining.

This was and continues to be the case. Technical assistance must be given to effect their adoption; large quantities distributed without charge for experimental work; research continued to determine new outlets, and the efforts of specialized technical men devoted to their introduction. Such an investment requires protection.

In general, these products can not be said to be substitutes for other chemicals heretofore available but rather to fill a place which had not been taken or a demand which could not be supplied by the other chemicals obtainable. Ethylene glycol, for example, is largely used in the manufacture of explosives. That the United States does not produce sufficient glycerin to take care of its domestic requirements is indicated by the importation of 13,666,006 pounds of crude and 8,288,504 pounds of refined in 1927 and 4,009,248 pounds of crude and 4,238,103 pounds of refined in 1928. Exports were practically nil.

To be used in explosives, ethylene glycol must be available at a price within the range of the easily determinable value it contributes to dynamite in contrast to glycerin. To do so it must be produced in large quantities. To introduce duty-free ethylene glycol of foreign manufacture, produced where labor and consequently manufacturing costs are considerably lower than in the United States, would result in decreased domestic production, with higher manufacturing costs and great financial loss and the ultimate transfer of the business to Europe.

The ethylene derivatives in this schedule are interrelated in a productive sense, and the cost of manufacture of one is dependent upon the cost and consequently the volume of the other compounds produced. Ethylene chlorhydrin, the starting point in the manufacture of practically all the ethylene derivatives must be protected in order to give protection to other products of greater commercial value. The same may be said of ethylene oxide. To permit their introduction duty free would jeopardize the domestic production of the entire group of ethylene derivatives.

The propylene derivatives are equally interdependent, and that which has been said of the ethylene derivatives applies equally to the compounds of propylene.

The value of a domestic source of ethylene glycol to our country in time of war can not be overestimated.

Ethylene chlorhydrin may be used for the manufacture of mustard gas, and the advantage of a domestic source of this product in time of war requires consideration.

The commercial manufacture of acetaldehyde, paraldehyde, aldol, crotonaldehyde, and butyraldehyde, acetylene derivatives, has contributed in great measure to the rubber industry in making available chemicals from which accelerators for the vulcanization of rubber can be synthesized. By accelerating the vulcanization of rubber, lower manufacturing costs of rubber products have been made possible with lower prices, and consequent benefit to all. Here again is an industry which requires volume production for its existence, and consequently protection from foreign invasion.

Previous mention has not been made of the economic necessity of protecting these products. However, it need only be said that upwards of $25,000,000 is invested in these products and several hundred men and women are employed. Their production also requires the consumption of quantities of such other chemicals as chlorine, sulphuric acid, caustic soda, lime, and so forth, the consumption of which would be materially affected by the introduction of finished products from foreign countries.

Climatic conditions in the United States require that means be taken to prevent the freezing of dynamite by the use of nitropolyglycerin, or ethylene glycol dinitrate, and to prevent the freezing of automobile radiators by the use of alcohol, glycerin, ethylene glycol, or some antifreeze preparation. No other country can compare with the United States in the volume of dynamite or antifreeze consumed.

The automobile industry requires tremendous quantities of rubber. No other country compares with the United States in the volume of rubber accelerators produced and consumed. The lacquer industry has developed to a greater extent in the United States than in other countries and the ethylene and propylene derivatives have found the place in this field. None of these industries should be left at the mercy of European chemical cartels.

With a market for the derivatives of ethylene, propylene, and acetylene established through the efforts of American industry, foreign producers are already looking to the United States as the largest outlet for their production and will continue to endeavor in every possible way to enter this market.

Continued production of these compounds and correspondingly low prices can only be assured through proper protection. It is essential, therefore, that the duty of 6 cents a pound and 30 per cent ad valorem, as contained in the 1922 tariff act and recommended in the 1929 bill, by both the Ways and Means and the Finance Committees, be retained.

Mr. President, I feel that I know just a little bit more about this industry than the rest of my colleagues because of its loca-

tion near the capital of my State, at Charleston, W. Va. I do hope that Members of the Senate will give serious consideration to the statement I have made; that they will consider the returns in the way of money received from the manufacture of these products and the money that has already been invested, which, together with that soon to be invested, aggregates between $60,000,000 and $75,000,000. I hope Members of the Senate will also consider the development which involves the diversion of the New River, which takes its beginning in North Carolina, flows down through the mother State of Virginia, joining the Great Kanawha near the capital of my State, where it is to be deflected into the Gauley, which has its source in the lofty mountain peaks of West Virginia. Near the point of union of these two rivers a tremendous dam is in contemplation for the purpose of furnishing cheap electrical current, from which carbide is to be made in competition, we hope, with the carbide industry of Canada, the carbide industry of Norway, and the carbide industries of other countries.

So, Mr. President, I am appealing to the Senate that this industry may be encouraged in its ambition to go forward and develop until it shall become second to none and result in the development of cheaper water power for the purpose of making the basic product from which all these derivatives come.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. HARRISON]. [Putting the question.] The Chair is in doubt.

Mr. HATFIELD. I demand the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are demanded.

Mr. BARKLEY. Mr. President, a parliamentary inquiry. I understood the Senator from Utah to accept this amendment.

Mr. SMOOT. I said that, so far as I was concerned, I would accept it, and let it go to conference, but if the Senator from West Virginia desires a yea-and-nay vote, let us have such a vote.

Mr. HATFIELD. I should like to have the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. NYE (when Mr. FRAZIER's name was called). Mr. colleague [Mr. FRAZIER] is unavoidably absent. He is paired with the senior Senator from Delaware [Mr. HASTINGS]. If he were present and voting, my colleague would vote "yea," and if the Senator from Delaware were present and voting he would vote "nay."

Mr. STEIWER (when his name was called). On this vote I am paired with the senior Senator from New Mexico [Mr. BRATTON]. In his absence I withhold my vote. If I were permitted to vote, I should vote "nay," and I understand the Senator from New Mexico, if present, would vote "yea."

The roll call was concluded.

Mr. WHEELER. I have a pair with the junior Senator from Connecticut [Mr. WALCOTT]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and will vote. I vote "yea."

Mr. GLENN. Making the same announcement as on the last roll call concerning my pair and its transfer, I vote "nay."

Mr. SCHALL. I wish to announce that my colleague [Mr. SHIPSTEAD] is unavoidably absent.

Mr. BINGHAM. My colleague the junior Senator from Connecticut [Mr. WALCOTT], who is unavoidably absent, has a pair with the junior Senator from Montana [Mr. WHEELER]. If present, my colleague would vote "nay."

Mr. FESS. I desire to announce the general pair of the senior Senator from Pennsylvania [Mr. REED] with the senior Senator from Arkansas [Mr. ROBINSON].

Mr. SHEPPARD. I desire to announce that the Senator from Washington [Mr. DILL] and the Senator from New York [Mr. WAGNER] are detained on official business.

I wish also to announce that the Senator from Massachusetts [Mr. WALSH] is necessarily detained from the Senate. He is paired with the Senator from Vermont [Mr. DALE].

The result was announced—yeas 32, nays 43, as follows:

YEAS—32

Barkley	Copeland	La Follette	Simmons
Black	Couzens	McKellar	Smith
Blaine	Cutting	McMaster	Steck
Blease	Fletcher	Norbeck	Stephens
Borah	George	Norris	Swanson
Brookhart	Glass	Nye	Thomas, Okla.
Caraway	Harrison	Overman	Walsh, Mont.
Connally	Kendrick	Sheppard	Wheeler

NAYS—43

Allen	Fess	Hale	Kean
Baird	Gillett	Hatfield	Keyes
Bingham	Glenn	Hawes	McCulloch
Brock	Goff	Hebert	McNary
Broussard	Goldsborough	Heflin	Metcalf
Capper	Gould	Johnson	Moses
Deneen	Greene	Jones	Oddie
Patterson	Robsion, Ky.	Sullivan	Tydings
Phipps	Schall	Thomas, Idaho	Vandenberg
Pine	Shortridge	Townsend	Watson
Robinson, Ind.	Smoot	Trammell	

NOT VOTING—21

Ashurst	Harris	Ransdell	Walcott
Bratton	Hastings	Reed	Walsh, Mass.
Dale	Hayden	Robinson, Ark.	Waterman
Dill	Howell	Shipstead	
Frazier	King	Steiwer	
Grundy	Pittman	Wagner	

So Mr. HARRISON's amendment was rejected.

Mr. BARKLEY. On page 4, line 2, I move to strike out "25" and insert "20."

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. In paragraph 3, on page 4, line 2, after the word "oil," it is proposed to strike out "25" and insert "20," so as to read:

PAR. 3. Acetone and ethyl methyl ketone, and their homologues, and acetone oil, 20 per cent ad valorem.

Mr. SMOOT. Mr. President, I wish to call attention to the fact that the amendment offered by the Senator from Kentucky proposes a reduction in the rate provided by the present law. The rate under the present law is 25 per cent ad valorem, and the Senator from Kentucky, by his amendment, proposes to reduce that rate to 20 per cent ad valorem.

Mr. BARKLEY. Mr. President, the reason why I offer the amendment is that in 1923 we produced 11,000,000 pounds and in 1928 we produced 24,000,000 pounds. The imports in 1928 were 38,000 pounds, compared to a total production of 24,000,000 pounds, and, in addition to that, we exported 4,959,000 pounds of the same commodity. Now, certainly a commodity that is able to export about one-fourth of its entire domestic production as against practically no importations whatever is not suffering and will not suffer from a rate of 20 per cent ad valorem.

In the Tariff Commission's report they have this to say about competitive conditions:

Competition from imports is practically negligible. The United States requirements are supplied almost entirely from fermentation of corn, butyl and ethyl alcohol being produced at the same time. Increasing production of butyl alcohol results in an increased output of acetone. The ratio of the fermentation products from corn is butanol, 6; acetone, 3; and ethanol, 1.

That is more or less technical, which it is not necessary to go into details about; but the Tariff Commission in its report found that there is practically no competition whatever; and with imports of only 38,000 pounds, as compared to exports of practically 5,000,000 pounds, it seems to me a decrease from 25 to 20 per cent ad valorem is justified.

Mr. HAWES. Mr. President, I must confess that the different rates of this schedule cause me some mental confusion. I believe they have the same effect upon most of us; but there are one or two things that are perfectly clear.

The chemical industry is a new industry in America. We have found that it is necessary in time of war; and its success depends largely, almost entirely, upon experiments. These experiments are conducted by chemists, trained men that we are beginning to develop in this country. We did not have them before. They are moving forward.

While occasionally I may make a mistake as to a rate, and probably have done so, I should like to keep in my mind at least the thought that the advance in chemicals in the United States should keep pace with discoveries in Europe.

To show you how large the chemical business is becoming and how it is scattered throughout America, not confined to the Atlantic seacoast, I should like to have the clerk read a report from Chemical Markets, published in January of this year. It will show the diversity of these manufactures and the great advance that this industry is making in the United States.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

[From Chemical Markets for January, 1930]

AMERICAN CHEMICAL INDUSTRY PASSES INTO A NEW TECHNICO-FINANCIAL ERA DURING 1929

New processes, new plants, new mergers indicate during 1929 the beginning of a new economic era for the American chemical industry.

The postwar readjustments are over. The balance has been struck again between production and consumption. Chemical prices are no longer made by distressed sellers, but are once more governed by true costs. Technical skill and efficient management are thus restored to their proper place as the controlling factors in chemical competition.

This readjustment to the new economic conditions has been slowly and painfully accomplished, partly by the scrapping of surplus, war-built plant capacity, partly by consolidations among chemical producers,

and in part, too, by the growth of chemical-consuming industries and by the birth of new consumers in the fields of rayon, lacquers, refrigeration, fertilizers, plastics, the radio, and the airplane. The modern chemicalization of industry—that is to say, the use of chemical energy and the employment of chemical substitutes for natural raw materials—has opened up vast new markets for the chemical manufacturer, new opportunities for the chemical technician. At the threshold of this new industrial phase, the American chemical industry most fortunately finds itself placed ready and able to render the important economic service of supplying modern civilization's insatiable demands for more and better and cheaper raw materials.

DOWNWARD PRICE TREND

Firm prices and the increasing willingness of large buyers to sign contracts for their annual requirements of chemical materials evidence this return to stability upon the new basis. But the most significant indicator of all is the fact that the important price changes of the last couple of years have been downward under the influence of lower costs due to improved technique.

Phenol, methanol, aniline oil, certain phosphorus compounds, aluminum chloride, lactic acid, furnish notable examples of lower prices resulting from new processes. Increased production has exerted a downward pressure upon the price of chlorine, ammonia, calcium chloride, and borax. Among such groups as the solvents, the plasticizers, and the rubber accelerators, both new processes and new products have been developing with a bewildering rapidity that has had marked effects upon the markets. Such price reductions as amyl alcohol from $2.25 to $1.65 a gallon, ethylene glycol from 40 cents to 25 cents a pound; diphenylguanidine from 72 cents to 30 cents a pound measure rather graphically the commercial results of technical advances.

NEW TECHNIQUE IN AN OLD INDUSTRY

Naturally the effects of improved chemical technique are felt most among the new industries. Especially is this true in lacquer manufacture where we still find endless experiment with formulæ. However, these chemical developments touch the older industries also, as indeed the very oldest of all chemical process industries proves. Borax at half its former price has increased its consumption by some 15 per cent, and the bulk of this increase has certainly gone into the glass pots. Here cheap borax has made possible new types of glass and so cut the costs of the tougher, more brilliant glass as to make possible competition with porcelain in electrical work, with marble and tiles as a building material, and bringing fine household glassware even down to the counters of our 5-and-10 cent stores.

During the year the petroleum industry has seen two chemical developments of importance. The perfection by the Gulf Refining Co. of a process for the direct production of aluminum chloride from bauxite is a clever piece of chemical work which promises great economies. The introduction at the Bayonne plant of the Standard Oil Co. of New Jersey, of the German process for the hydrogenation of the heavy oil distillates has great possibilities in new products and threatens curtailment of the vast consumption of sulphuric acid in gasoline refining. In this same connection it is to be noted that in spite of—or possibly because of—a three-cornered patent fight between the Monsanto, Selden, and General companies many sulphuric acid plants are being equipped with vanadium catalyst contact process.

ADVANCES IN CHEMICAL FERTILIZERS

Meanwhile the chemicalization of the fertilizer industry is advancing rapidly. January, 1929, saw the first shipment of American-made synthetic nitrate of soda from the Hopewell works of the Allied Chemical & Dye Corporation. The treatment of acid phosphate with ammonia is spreading, pushed by the two largest sellers of ammonia. This new outlet is opportune, for with the increased output of synthetic ammonia by the Du Ponts, there is a prospective overproduction. Superphosphate tends constantly to higher concentrations. The 45 per cent material is offered on the market and American Cyanamid is building a plant near its phosphate rock property at Plant City, Fla., where, so it is rumored, 60 per cent superphosphate will be made. Several other of the phosphate-producing companies are working on chemical outlets in the various calcium and ammonium salts, while the International Agricultural Co. is building a new complete fertilizer factory at Texarkana, Ark. The Federal Phosphorus Co. has recently invaded the fertilizer field with a diammonium phosphate mixture of higher plant-food content (67 per cent) than the German nitrophoska. Quite recently the Shell Chemical Co. (subsidiary of Royal Dutch-Shell interest) has announced plans for a $5,000,000 nitrogen fixation plant at Long Beach, Calif., to operate a Haber-Bosch process. It is proposed here to recover the hydrogen evolved in the manufacture of carbon black from the natural gas of the near-by oil fields.

PACIFIC COAST DEVELOPMENTS

There have been other interesting chemical developments on the Pacific coast. Two new electrolytic alkali plants have been completed this year. Both are situated at Tacoma, Wash., with an eye on the growing market for chlorine in the paper mills of the Northwest; and although the Pennsylvania Salt Co. has only made trial runs, the Hooker Electrochemical Co. is reported to be running at capacity. These new plants and the activity at the Pacific coast operations of the Stauffer and the General Chemical Cos. is tangible evidence of the industrial expansion of the far West.

During the year just past there have been certain significant increases in our American chemical production. Carbon bisulfide, hydrogen peroxide, borax, citric acid from the new fermentation process of Charles Pfizer & Co., aluminum chloride and aluminum sulphate, both by new processes and direct from bauxite, have all been notably increased. However, the most profound changes have been in the synthetic manufacture of wood distillation chemicals, a field in which for many years American natural products have been important factors in world commerce. The output of synthetic acetic acid begun in 1928 by the Niacet Chemical Co. at Niagara Falls has been increased during 1929, and it has been joined by the synthetic manufacture of acetone and methanol. The acetone development was undoubtedly stimulated by the demands of the rayon industry, while the methanol operation is predicated upon by a product process in the manufacture of anhydrous ammonia with the commercial objective of greatly extending the consumption by lower prices. The Du Pont operation in West Virginia contemplates an output of 6,000,000 gallons of pure methanol, which is about a third larger than the total production of refined material of all grades prior to 1925 when the first synthetic material came into the market. This quantity of methanol, it must be remembered, is entirely additional to the considerable synthetic production of the Commercial Solvents Corporation, and will compel an entirely new economic equilibrium. As an example of the far-reaching effects, the lower price of methanol will mean a lower price for formaldehyde, which, combined with the lower price of phenol, will be reflected in phenolic resins, promising a greater consumption, which, in turn, will create bigger demands for tar acids, natural products for which no suitable substitute is available. If the price of cresylic acid should advance, in response to this demand, it might coax our steel industry into stripping their coke-oven gases before burning them, as is their present wasteful practice.

PROGRESS IN PLASTICS

The increased use of various phenolic resins has been accompanied by other interesting developments in this plastics field. The phthalic molded products have come forward rapidly. The glyptal resins are invading the lacquer field in competition with nitrocellulose. There is accordingly not only additional use of dibutyl phthalate as a plasticizer, but also of diethyl phthalate as a solvent. In the many new uses of the various plastics, an automobile body of this molded material is perhaps the boldest and most suggestive experiment recently undertaken.

Among chemical raw materials sulphur and zinc stand out during the year just passed. A new sulphur dome has been brought into production by the Duval Texas Sulfur Co., which has already begun export shipments to several European countries. Electrolytic zinc, produced by the Tainton high-density current process, is on the market from the Hecla operation in Idaho. This has a capacity of 50 tons daily, with handling equipment ready to care for twice this amount simply by expanding the cells and roasting capacity. A similar plant is building at Monsanto, Ill., for the Evans-Wallower interests to operate on ore from the Joplin district. Comparative economics of these two are interesting—the power cost in Idaho of about half what it is in Missouri, balanced against a ready market for sulphuric acid in the St. Louis district.

Mr. HAWES. Mr. President, I sympathize with the efforts of some of the Senators in opposing these amendments. They may be right about it, and I may be wrong, but the subject is so technical, it is so complicated, and the record of the development of this industry shows that it has been so enormous, that it ought to be a pride to the Nation that in 10 years the United States has made this development in competition with the whole world.

Realizing that I may make a mistake in casting some of my votes, not understanding the niceties of the distinctions, I believe that I serve the best interests of my State and my Nation in casting a vote to preserve the chemical industry from assault from without.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Kentucky?

Mr. HAWES. I yield.

Mr. BARKLEY. The particular amendment which is now pending is to reduce the tariff on acetone from 25 per cent ad valorem to 20 per cent. There are produced in the United States 24,000,000 pounds a year; there are exported 5,000,000 pounds a year, and 38,000 pounds are imported. In all sincerity, I ask the Senator from Missouri whether those facts as to this particular item do not justify a reduction of at least 5 per cent ad valorem in this tariff?

Mr. HAWES. On that phase of it, I will say to the Senator from Kentucky, they do; but when it comes to chemicals, I yield to the opinion of a man learned in medicine, learned

in the subject of chemicals, who is opposing the Senator's position in the matter, and being in doubt, I want to resolve the doubt in favor of a great new enterprise that has attained such national importance.

Mr. BARKLEY. Mr. President, of course I do not know the identity of the great chemist upon whom the Senator is relying; I do not know whether he has advised the Senator on the chemical schedule generally, in general terms, or whether he has picked out each particular item; but I dare say that, whoever he is, he could not dispute the facts which I have just stated, which I have obtained from the Tariff Commission's impartial investigation of this particular item.

I am entirely in sympathy with the development of the chemical industry in this country. I am informed by reliable men who are familiar with the chemical industry that in the very near future the American chemical industry will be able to maintain itself without any tariff whatever, and when that time comes I think we ought to adjust the tariff accordingly. But as to the particular item now before the Senate, it certainly has already arrived at that point, so that we are not only upon a self-sustaining basis from a domestic standpoint, but we are upon a self-sustaining basis from the standpoint of exports, exporting to other countries one-fourth of the entire production and importing nothing. It seems to me that with a showing of that sort if we can not reduce the tariff on this particular item it is perfectly idle for subcommittees to go into the chemical or any other schedule, it is perfectly idle to stand here and offer amendments, because if we can not carry an amendment on a basis of this sort, then, so far as I am concerned, I have no disposition to waste the time of the Senate any further talking about the particular items in this chemical schedule. I will say this, that after studying and working on the subcommittee inquiring into this schedule I am convinced that there are more concealed iniquities in the chemical schedule, because of its technicality, because of the difficulty of understanding it, than in any other schedule in the entire tariff bill.

What I am undertaking to do is to try to relieve this schedule from some of the iniquities that are embodied in it, and one of them is in the tariff on acetone, now 25 per cent. Of this product we export one-fourth of our entire production and import practically nothing.

Mr. HAWES. The Senator may be entirely right in his contention, and I am sure that he attempts to accomplish a patriotic purpose in suggesting these amendments.

When I referred a while ago to an experienced man, I referred to the junior Senator from West Virginia [Mr. HATFIELD], who is a physician. But having to choose between the contention of the Senator from Kentucky and the contention of those who believe that the chemical industry as a whole might be injured, and being in doubt as to the matter, I shall vote throughout the consideration of the amendments to this schedule to strengthen the chemical industry in the United States wherever possible.

Mr. BARKLEY. Mr. President, will the Senator yield to me to inquire of the Senator from West Virginia whether he disputes the facts which I have just submitted with reference to acetone?

Mr. HATFIELD. Mr. President, I do not dispute what the Senator has said as to the importations. I wish to say that I am not a chemist, but during my course leading to the degree of doctor of medicine I was forced to go into the study of chemistry to some extent, and I am only sorry that I did not embrace the opportunity more than I did as a student of medicine to pursue it further.

Acetone is a base product. Acetone was formerly made from wood distillation. Because of the scarcity of wood, there is a depreciation in the amount of acetone produced.

Acetone to-day is being manufactured more and more by the use of acetylene. Acetylene is made from carbide. Carbide is made from a combination of limestone and coke subjected to a very high temperature in an electrical furnace. The resulting product is a solid. When water is added to the carbide it forms acetylene gas. High pressure cylinders containing acetone under pressure will absorb this acetylene and hold it stable. That liquid is called dissolved acetylene, which can be shipped in these containers anywhere in the country.

That acetylene is used in acetylene torches, which brings about the thermic process of welding. One of the methods of making acetone synthetically is from a hydrocarbon gas. The other method of making acetone is by the distillation of corn.

Mr. President, we do not at the present time know what the future holds in store for the new process of the manufacture of acetone. It is an absolutely essential product in industry, in medicine, a product used in every-day life. I am convinced that if the tariff is lowered, in all probability there will be less inducement and less encouragement to the industries which make this product synthetically to follow up that activity.

As I said the other day, this is the dawn of a new era for the chemical industry in this country. There are no limitations to it, and if there is any industry which needs special protection at this hour to encourage its development and growth, it is the chemical industry.

The Finance Committee have gone into this subject, they have arrived at a conclusion after hearing the evidence, the chairman has served long and well at the head of that committee, and it seems to me that we would be safer in taking the course advised by and the conclusions of a majority of the Finance Committee, at least upon this and other items that go to make up the chemical schedule, than blindly to cast our votes for lower rates, which might mean lowering the bars and staying the hand of progress in the chemical industry in this country.

Mr. LA FOLLETTE. Mr. President, the article the Senator from Missouri has read has nothing to do with the amendment under consideration. Wherever anyone argues from the official figures for a reduction of a duty in the chemical schedule, Senators rise and tell what a great industry the chemical industry has grown to be. No one doubts the fact that it is a great industry. As a matter of fact it has probably grown more rapidly than any other industry in the United States. But there is no justification for the Senate refusing to consider the figures from official sources concerning the items in this schedule any more than it would be justified in refusing to consider the official figures and the facts concerning the items in the other schedules.

To rise in the Senate and attempt to refute the fact by general statements concerning the importance of the industry and its contribution to medical and other sciences is evading the facts and attempting to avoid the issue.

The Finance Committee has in certain instances reduced rates in this schedule where the facts furnished by the Tariff Commission indicated that there was a surplus of production in the United States and that the particular commodity was on an export basis. The junior Senator from West Virginia [Mr. HATFIELD] talks about the encouragement of another process for the manufacture of acetone. Under the existing duty of 25 per cent ad valorem we exported, in 1928, 4,959,000 pounds of acetone. The retention of that duty will not encourage the development of the synthetic process so long as this product is on an export basis. That is perfectly obvious to anyone.

The imports were 0.8 of 1 per cent of the domestic consumption, and the exports were 20 per cent of the domestic consumption. One-fifth of the acetone produced in the United States is exported under the 25 per cent ad valorem rate in the existing law. For Senators to contend that the production of this particular commodity falls in the class of infant industries is poppy-cock, nothing more or less.

Mr. BARKLEY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Kentucky?

Mr. LA FOLLETTE. I yield.

Mr. BARKLEY. I would like to say in that connection that under the tariff act of 1913 this article carried a rate of 1 cent per pound, which was, on the average, about 6 per cent ad valorem. During 1919 there were 240,000 pounds imported, in 1920 there were 6,000 pounds imported, in 1921 there were 209 pounds imported, and 882 pounds in 1922, which came in under a 6 per cent ad valorem rate, as compared with a 25 per cent ad valorem rate now, under which 38,000 pounds came into the country.

Mr. LA FOLLETTE. I thank the Senator for furnishing the figures for the RECORD. I was about to refer to them myself.

Acetone is used as a solvent in the production of commercial silk, artificial leather, photographic films, chloroform, and iodoform. It seems to me if the Senate of the United States is going to adopt the policy of refusing to reduce duties where products are shown to be upon a large export basis, then we might as well drop further consideration of the bill. I do not think any Senator would contend for such a policy, and yet that is the logic of the arguments which are made on this particular amendment.

I realize that in and of itself this particular amendment is not of great importance, but the action taken upon other amendments, if carried to its logical conclusion, means that the bill after its passage through the Senate will carry higher rates of duty than were passed by the House.

Senators must remember that the bill is going to conference. In the conference between the two Houses the rates adopted by the House and those adopted by the Senate will be under consideration where there is disagreement. Therefore there is a logical argument, wherever the facts warrant, for the Senate to reduce the rates in the existing law. The amendment offered by the Senator from Kentucky is supported by the facts, and if Senators wish to determine these amendments and their posi-

tion upon them on the facts, they will be compelled to vote in favor of the amendment offered by the Senator from Kentucky.

Mr. HARRISON. Mr. President, I desire to make just a brief statement, and I am sorry the Senator from Missouri [Mr. HAWES] is not in his seat to hear what I have to say. He has evidently been called from the Chamber.

This schedule was considered by a subcommittee of which I was not a member, but of which the Senator from Kentucky [Mr. BARKLEY] was a member. That subcommittee tried to work out in a conservative, rational way the details of this schedule in order to ascertain whether an amendment to reduce the rates would be warranted and whether they would stand a reduction. He has not gone wild in offering amendments. No one over here has gone wild about offering amendments.

Senators on this side of the aisle are just as anxious as Senators on the other side of the Chamber to conserve the great chemical industry and promote its development. But the friends of chemistry, the friends of the industry, will do well if they will join in reducing rates where the facts warrant it. Simply because there is a majority which controls the situation is no justification for Senators to close their eyes and refuse to vote for any reduction in the schedule where the facts justify a reduction. Senators will make a great mistake if they follow that policy. It does seem to me that unless they want to bring criticism and condemnation and opprobrium upon the chemical industry Senators should not try to prevent a rational reduction where the facts warrant it.

We have just voted upon an amendment which I offered relating to ethylene glycol. I did not imagine there would be any opposition to it. The reduction I sought was merely from 6 cents a pound and 30 per cent ad valorem to 6 cents a pound and 20 per cent ad valorem. No one connected with the chemical industry that knows anything about the facts could possibly say that it would affect the industry. Why did I offer it? It was because the production has increased in the last few years 10,000 per cent, because the importations to-day are only about 155 pounds, and because of the great use of it as an antifreeze solution in automobile radiators throughout the country. It is because of the utilization of it in that way that there has been such a tremendous production, and yet, notwithstanding the fact that the chairman of the Finance Committee was willing to accept it and everybody thought it ought to be accepted, but just because the Senator from West Virginia [Mr. HATFIELD] made a speech and alluded to some derivative of it to be applied to something else, Senators ran wild and voted against my amendment.

Do Senators think that is going to help the chemical industry in this country? Do they think it will make the public feel very kindly toward an industry which holds a tight grip and refuses a reduction in rates upon articles where the facts justify a reduction? Senators, I remember how in this country a few years ago the railroads entered into and tried to dominate and control the politics of the country, and to say who should be elected and what laws should be enacted. Public sentiment was aroused and then the railroads for a period of time had very rough sledding. They have had to adopt an entirely different course—and why? Because they know now that they have to consider the public in these great public-service matters.

The chemical industry and the friends here of that industry had better not shut their eyes to the cold facts and refuse to reduce rates when the rates should be reduced. On this particular article I asked for a reduction from 25 per cent to 20 per cent ad valorem, on an item carrying an ad valorem rate of 6 per cent under the Underwood Act, with tremendous exportations from this country and negligible importations, and yet it is said that the picture does not justify a reduction.

Senators, where amendments are offered and the facts warrant a reduction let us give it and let us vote against a reduction where it is not justified. I have said this much simply in answer to my good friend the Senator from Missouri [Mr. HAWES], who said we should fall in line with the Senator from West Virginia, and I say to the Senator from West Virginia, if that is to be his course, I plead with him in behalf of the development of the great chemical industry in this country, that when the facts warrant a reduction he should urge that it be given.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. BARKLEY].

The amendment was agreed to.

Mr. BARKLEY. Mr. President, I should like to ask the Senator from Utah with reference to the item on page 5, line 1, ammonium carbonate and bicarbonate. What was the reason for the increase from 1½ cents to 2 cents per pound?

Mr. LA FOLLETTE. Mr. President, before that is taken up I would like to offer an amendment to paragraph 6, if the Senator does not object.

Mr. BARKLEY. Very well.

Mr. SMOOT. Does the Senator from Kentucky desire me to answer his question?

Mr. BARKLEY. No; not now. I will wait until we get to it.

Mr. LA FOLLETTE. Mr. President, on page 4, line 20, I propose to strike out the words "three-tenths" and insert in lieu thereof the words "one-fifth," so it will read:

Aluminum sulphate, alum cake, or aluminous cake, containing not more than 15 per cent of alumina and more iron than the equivalent of one-tenth of 1 per cent of ferric oxide, one-fifth of 1 cents per pound.

According to the information furnished the Committee on Finance by the Tariff Commission the total imports in 1927 were 1,542,766 pounds, valued at $19,436, as compared with a domestic production in 1927 of 608,862 pounds, valued at $7,875. The exports in 1927 amounted to 42,256,000 pounds, valued at $491,000. The imports were 0.27 of 1 per cent by quantity and 0.18 of 1 per cent by value of the domestic consumption in 1927. The exports in 1927 were 7 per cent by quantity and 6.3 per cent by value of the domestic production.

According to the Summary of Tariff Information, of the total production 60 per cent was used in the purification of water, 35 per cent in the manufacture of paper, and the remaining 5 per cent in connection with the dyeing and leather-tanning industries and for decolorization and deodorization of mineral oil.

It seems to me a case is presented here for a reduction. I should say the amendment contained in the paragraph is a reenactment of the existing law, but under the circumstances and considering the uses to which this product is put it seems to me there is justification for a slight reduction and it is on that theory that I have offered the amendment. I do not desire to take up any more of the time of the Senate discussing it.

Mr. SMOOT. Mr. President, the House made no change in existing law with relation to this particular item, nor did the Senate Finance Committee. It is the existing law to-day. There was no evidence at all presented to the committee either for or against an increase or a decrease.

Mr. LA FOLLETTE. My position is that the figures furnished by the Tariff Commission make a case for a decrease.

Mr. SMOOT. Of course, that may appear to the Senator upon its face. The production and importation figures given by the Senator are correctly stated.

Mr. LA FOLLETTE. Would the Senator be willing to accept the amendment and have it go to conference?

Mr. SMOOT. Yes; I am perfectly willing to do that.

Mr. LA FOLLETTE. In that connection also, if the Senator accepts that amendment, I have another one on the same point on page 4, line 23.

The PRESIDING OFFICER. First, let us dispose of the amendment now before the Senate. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

The amendment was agreed to.

Mr. LA FOLLETTE. Now, on page 4, line 23, I move to strike out the words "three-eighths" and insert "one-fourth," so as to read:

Containing more than 15 per cent of alumina or not more iron than the equivalent of one-tenth of 1 per cent of ferric oxide, one-fourth of 1 cent per pound.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. SMOOT. There is just where the competition is. That is the high-grade product. I hope the Senator will not ask that that reduction be granted.

Mr. LA FOLLETTE. Inasmuch as these two items are to be under consideration together, would not the Senator be willing to have them go to conference and have full consideration there together?

Mr. SMOOT. I do not think the second amendment is justified by the imports or the production.

Mr. LA FOLLETTE. But the point is that it will not be in conference unless the amendment is adopted by the Senate as I have just offered it.

There should be some relation between the duty upon the lower grade product and the duty upon the higher grade product. It is for that reason that I am suggesting to the Senator that he accept both amendments, and then whatever is done in conference as to the low grade may be made the basis of proper action as to the high grade.

Mr. SMOOT. I rather agree with the Senator as to his first amendment; I think that it was justified; but I do not think the second is justified. It seems to me that the best thing to do is to let the first amendment go to conference, and then there may be a parity arranged between the two. I think that would be very much better than the rates in the present law. I hope the Senator will look at it in that light.

Mr. LA FOLLETTE. I will not press the amendment, but it seemed to me if in conference the rate affecting the low grade was to be considered there ought also to be an opportunity for the conferees to consider the rate affecting the high grade if they thought that was necessary.

Mr. SMOOT. We know that the competition comes in the case of the high grade and not the low grade. I myself think the first amendment offered by the Senator is justified, but not the second.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was rejected.

Mr. BARKLEY. Mr. President, I ask the Senator what was the reason for increasing the rate on ammonium carbonate and bicarbonate from one and a half to 2 cents a pound? Similar increases run all through that paragraph.

Mr. SMOOT. Perhaps a statement as to imports will tell the whole story. More than half the domestic consumption is supplied by imports.

Mr. BARKLEY. Does not this whole paragraph apply largely to products used in the manufacture of fertilizer?

Mr. SMOOT. No; the articles covered are used very largely for baking and wool scouring and dyeing. The greater amount of this commodity goes into those industries, and the importations, as I have said, are more than half of the domestic consumption. That is the reason for the increase.

The PRESIDING OFFICER. Are there further amendments to be offered to Schedule 1?

Mr. GEORGE. Mr. President, some days ago I proposed an amendment which I said I would offer when this paragraph was reached.

Mr. SMOOT. To what paragraph is the Senator referring?

Mr. GEORGE. To paragraph 7.

Mr. SMOOT. The Senator has in mind the sulphate of ammonium item?

Mr. GEORGE. Sulphate of ammonium is the principal item. I wish to make this statement: Ammonium nitrate and ammonium phosphate, as well as ammonium sulphate and liquid anhydrous ammonia, are used, of course, in the making of commercial fertilizer. Particularly is that true of ammonium sulphate. I do not propose to place all these commodities on the free list, but I do wish to offer an amendment to place sulphate of ammonium on the free list when intended to be used as a fertilizer or in the manufacture of fertilizer.

Mr. SMOOT. Will not the Senator defer offering that amendment until we reach the free list?

Mr. GEORGE. It would require two amendments to place it on the free list, for the item would have to be stricken out in this paragraph and then inserted in the free list. I will, however, wait until we reach the free list.

Mr. SMOOT. I think that is the best course to pursue. We have done that as to other items, and I ask the Senator to do it in this instance.

Mr. GEORGE. I should like to have it understood, however, that in respect to these chemicals that enter into the manufacture of fertilizer I will, when we reach the free list, ask that they be placed upon the free list when imported to be used as fertilizer or in the manufacture of fertilizer.

Mr. LA FOLLETTE. Mr. President, I hope the Senator from Georgia will also consider the inclusion of ammonium phosphate as well as ammonium sulphate, because my information is that they are both used for fertilizer.

Mr. GEORGE. That is correct.

Mr. LA FOLLETTE. It seems to me that the attitude of the Senator is absolutely correct when he seeks to have the bill provide that when the commodities he mentions are imported for fertilizer purposes they shall come in free. I hope he will give consideration to including both ammonium phosphate and ammonium sulphate in his amendment for that purpose.

Mr. GEORGE. I will include them in the amendment; and I very much hope the Senator from Utah will accept the amendment, so that the rates may remain as they are as provided in the paragraph, except as to certain commodities which I hope will be placed upon the free list.

Mr. SMOOT. A number of requests have been made affecting the free list, and I have said two or three times that I preferred to act upon amendments proposing to place items on the free list when we reach the free list. I believe that is the best way in which to proceed.

Mr. GEORGE. I am content to give it that direction. I merely wanted to indicate that I shall offer such an amendment.

The PRESIDING OFFICER. Are there further amendments in Schedule 1?

Mr. BARKLEY. I offer an amendment in paragraph 11, to come in at the bottom of page 5. I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In paragraph 11, on page 5, in line 22, after the word "pound," it is proposed to strike out "synthetic gums and resins not specially provided for, 4 cents per pound and 30 per cent ad valorem."

Mr. BARKLEY. Mr. President, the effect of that amendment is to restore the present law on synthetic gums and resins.

Mr. SMOOT. They will fall in the basket clause at 25 per cent.

Mr. BARKLEY. They will fall in the basket clause at 25 per cent. I do not care to discuss the amendment, except to say that the testimony before the Finance Committee, as I recall, the testimony of the only witness I think who appeared before the committee, was to the effect that the rate proposed would amount practically to an embargo. The articles are not separately mentioned in the present law and fall in the basket clause, and it was claimed by one of the witnesses who appeared before the Finance Committee in the Senate hearings on Schedule 1 that the duty of 4 cents per pound and 30 per cent ad valorem would impose an embargo on these products.

Mr. SMOOT. Mr. President——

Mr. BARKLEY. Mr. President, is the Senator from Utah prepared to accept the amendment?

Mr. SMOOT. I think the information which the Senator received is not quite accurate. The prices range from about 65 to 68 cents a pound. A rate of 4 cents a pound and 30 per cent ad valorem would be equivalent to about 36½ per cent ad valorem.

Mr. BARKLEY. Mr. President, it is an exceedingly prosperous industry. Of course, the use of the commodity has been largely increased on account of the manufacture of lacquers and varnishes and paints for automobiles. It is in universal use. A restoration of the rate in the present law will work no havoc on the chemical industry, and therefore I think the amendment would be entirely justified. So I hope the Senator from Utah will not object to the amendment.

Mr. SMOOT. Mr. President, I will make a brief statement regarding this item, and then perhaps the Senator will not press his amendment.

The only specific provision for synthetic resins in the act of 1922 is for the synthetic coal-tar resins in paragraph 28. I want the Senate to remember in the consideration of this bill that American valuation applies to paragraphs 27 and 28.

Mr. LA FOLLETTE. I assure the Senator from Utah I have not forgotten it.

Mr. SMOOT. Nor has the Senate forgotten it.

The new synthetic resins now made in the United States are assuming commercial importance in the manufacture of lacquers, molded products, and varnishes. One type of the resins now produced in this country is the thio-urea-formaldehyde resin used in plastics, manufactured by the Synthetic Plastics Co., Bound Brook, N. J., which sell for 65 cents per pound. This plant, constructed about a year ago, is now devoted to the production of this type of resin.

Another type is the vinyl resin, also used for lacquers and manufactured by the Carbide & Carbon Chemical Co., Charleston, W. Va. A relatively large investment is required for the development and commercial production of these resins. According to Treasury Decision 42108, the urea-formaldehyde resins were classified by similitude as "gallalith" at 25 cents per pound. This is greater than the recommended rate of 4 cents per pound and 30 per cent ad valorem.

The vinyl resins have sold when produced on a small-plant scale for about $1 per pound; it is understood that the price of the large-scale production will vary from 35 to 70 cents per pound, depending upon grade.

So the Finance Committee after the hearings decided to recommend a rate of 4 cents a pound and 30 per cent ad valorem, as provided by the House. That is on the synthetic article, and, as I have said, that rate, based on a price of 65 or 66 cents a pound, is equivalent to an ad valorem rate of 36 or 37 per cent. I rather think that the rate proposed should stand.

Mr. BARKLEY. I think if there is sufficient reason for doubting the necessity of the rate in the bill that this amend-

ment ought to be adopted, and if some happy medium can be arrived at in conference, let it be done.

Mr. SMOOT. I should be glad to have that done.

Mr. BARKLEY. Unless some action shall now be taken, however, there will be nothing in conference at all and the rate will remain as fixed.

The PRESIDING OFFICER. The question is on agreeing to the amendment as offered by the Senator from Kentucky.

Mr. SHORTRIDGE. Mr. President, I should like to ask the Senator from Kentucky a question. Does he not think that the arguments in favor of the rate suggested by the committee and the arguments against it are about equally balanced? There is force, is there not, in the views expressed by the Senator from Kentucky, and there is force in the argument that is advanced by the chairman of the committee?

Mr. BARKLEY. If I were a member of the conference committee and thought the arguments were about 50-50 for and against the increase provided, it might assist me in arriving at a more just figure below that carried by the bill, but a little higher than the present law. I am satisfied that the conferees can work out that problem.

Mr. SHORTRIDGE. But the Senator is not prepared now to admit that the arguments are about equally balanced?

Mr. BARKLEY. I am not denying that, but that still fortifies my belief that there ought to be a reduction below the present rate. I do not care to attempt to fix a rate beyond restoring the rate in the present law.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment was agreed to.

Mr. BARKLEY. The next amendment which I have to offer is on page 7, paragraph 20, lines 14 and 15. I send the amendment to the desk and ask that it may be read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 7, lines 14 and 15, it is proposed to strike out "or bolted, 0.4 of 1 per cent per pound; precipitated" and insert "bolted or precipitated."

Mr. SMOOT. As I understand, the amendment as just read restores the rate of existing law?

Mr. BARKLEY. Yes; the amendment seeks to restore the rate provided by existing law, under which the commodity is dutiable under paragraph 20 at 25 per cent, while the ad valorem equivalent of the House duty is about 170 per cent, based on the unit value of 1928 imports over 130 per cent based on the unit value of 1927 imports.

Mr. SMOOT. The reason for that is that the unit price of these articles has been dropping every year.

Mr. BARKLEY. I know the price has fluctuated.

Mr. SMOOT. In my opinion, the decline in the price has been caused by competition in making the article in our own country. I think that is what has brought about the reduction in price. I do not know whether the amendment would interfere with the situation here to such an extent that the local manufacturer would not be able to bring prices down still lower than they are to-day.

Mr. BARKLEY. This is an article which is used very largely in the manufacture of calcimine, rubber goods, and putty, as well as in the manufacture of linoleum, pottery, oil paints, and so forth. It enters into various building materials, which of course go to affect the cost of building.

We produced in 1926, 188,000,000 pounds, of which 110,000,000 pounds were produced for sale, and the remaining 78,000,000 pounds were produced by the manufacturers of whiting for their own consumption; and at the same time we imported about 66,000,000 pounds.

Mr. SMOOT. In other words, the imports of whiting have increased, and in 1927 the imports amounted to about two-thirds of the domestic production for sale.

Mr. BARKLEY. Of course, all of the raw material for the manufacture of whiting is imported. We have in this country none of the raw material required for the manufacture of whiting.

Mr. SMOOT. We have it in some sections of this country. There are some sections where we do not have any of it.

Mr. BARKLEY. This increase from 25 per cent to 130 to 170 per cent seems to me out of all proportion to the requirements.

Mr. SMOOT. Let me call the Senator's attention to the prices, and so forth. Perhaps I had better read just one paragraph from what the Tariff Commission says on the subject:

> Actual cost figures can not be established without disclosing confidential data, but on a percentage basis the total cost, including computed interest, was 100 for the United States in 1926 and 28.42 for Belgium in the first six months of 1927.
>
> Competition of imported whiting has increased, and in 1927 imports amounted to about two-thirds of the domestic production for sale.
>
> The unit price of imports has declined from $0.0048 per pound in 1925 to $0.0023 per pound in 1927.

So, Mr. President, the price of the article has declined; the importations have increased; and I do not see why we should not have at least a fair chance here in the United States on the production of whiting.

Mr. BARKLEY. Here is a place where the raw material is on the free list. Chalk comes in without any duty whatever. Of course, it is manufactured into whiting in this country, and there has been considerable domestic competition among the manufacturers of whiting, after importing the crude chalk which is the raw material.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New York?

Mr. BARKLEY. Yes.

Mr. SMOOT. Before the Senator from New York speaks, I want to say to the Senator that I understand the report based on the investigation of this subject by the Tariff Commission is now in the hands of the President. I have not seen the report in detail, but I have not any doubt but that the President will issue a proclamation in relation to this item. I do not say that I know anything about it, but I have been informed that that report has gone to the President.

Mr. BARKLEY. Of course, I assume that the President will issue no proclamation on any particular item as long as this tariff bill is pending——

Mr. SMOOT. Certainly he will not.

Mr. BARKLEY. Because in whatever form this tariff bill comes back from the conference committee, it will presumably take care of any increase that may be shown to be necessary; but I certainly think that the increase provided in this section is out of all proportion to the needs of the industry.

Mr. SMOOT. Mr. President, I can say that even the Tariff Commission, in the report furnished me, says that the rate in the House bill is less than the difference in cost of production in the United States and Belgium. I have already called attention to that.

Mr. LA FOLLETTE. Mr. President, can the Senator from Utah tell us how many different concerns are engaged in the business of producing whiting in this country?

Mr. SMOOT. There are five principal ones. I think those five produce perhaps 90 or more per cent of all that is produced in the United States.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. The Senator from Kentucky has the floor. Does he yield to the Senator from New York?

Mr. BARKLEY. I yield to the Senator from New York; but before yielding I want to say, in reply to the Senator from Utah, that this cost of production, as I understand, as reported by the Tariff Commission, considers only the cost of production of those engaged in the production of whiting for sale. It does not take into consideration very large companies which produce whiting for their own use.

Mr. SMOOT. The reason of that was that where the manufacturer makes the whiting himself for use in other articles, he does not figure separately what the whiting costs him. He figures on the whole cost of the article, from the beginning to the end; and of course there are many respects in which the manufacturer who uses his product for further manufacture has a great advantage over the man who puts it up for sale. Take, for instance, some kind of a product in which whiting is used, and after the whiting is made it goes into a further process. In a case of that kind the manufacturer has no freight, perhaps he has no handling, he has no sacking, he has nothing like the man who makes whiting for sale to other concerns; and of course his cost would be less because of that fact.

Mr. COPELAND. Mr. President, may I ask the Senator if his purpose is to return this article used for making putty to the free list, or to the old rate?

Mr. BARKLEY. No; to the old rate of 25 per cent ad valorem.

Mr. COPELAND. What is the increase?

Mr. BARKLEY. The increase is from 25 per cent to what is equivalent to an average of about 150 per cent. In 1928, based on the prices then prevailing, the ad valorem equivalent of the House rate would be 170 per cent. In 1927 the ad valorem would be 130 per cent, based on the value. Of course, the value fluctuates, and therefore a specific duty also varies in ad valorem equivalent.

Mr. COPELAND. Is it not a fact that if this bill were to pass as it is proposed here, it would increase the cost of putty?

Mr. BARKLEY. Oh, yes.

Mr. COPELAND. Of course, putty is used universally. The Senator may say that the other day I was proposing a higher

cost of gypsum and perhaps of cement; but those articles were entirely different, because they had to do merely with the seaboard. Here, however, is a question which involves the price of putty, used in every State in the Union. Am I not right about that?

Mr. BARKLEY. The Senator is correct; and it involves the price of linoleum, used for kitchen floors all over the country, rubber goods, oil paints, and other things.

Mr. COPELAND. Is anybody suffering by reason of the rate in the present law? I mean to say, is it going to hurt any American industry to continue this duty as it is at present?

Mr. BARKLEY. In my judgment, the present law is sufficient to give all the protection that this industry needs.

Mr. COPELAND. I have sometimes felt that the Senator from Kentucky was wrong; but this time I think he is right.

Mr. BARKLEY. I thank the Senator from New York.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kentucky to paragraph 20. [Putting the question.] By the sound, the "noes" seem to have it.

Mr. LA FOLLETTE. I call for a division.

Mr. SMOOT. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GLENN (when his name was called). Making the same announcement as on the last roll call, I vote "nay."

Mr. METCALF (when his name was called). I have a general pair with the Senator from Maryland [Mr. TYDINGS]. I transfer that pair to the junior Senator from Oregon [Mr. STEIWER] and will vote. I vote "nay."

Mr. WHEELER (when his name was called). Making the same announcement that I made before, I vote "yea."

The roll call was concluded.

Mr. BINGHAM. I desire to announce, in behalf of my colleague [Mr. WALCOTT], that he is unavoidably absent. If present, he would vote "nay." He is paired with the junior Senator from Montana [Mr. WHEELER].

Mr. NYE. Upon this question my colleague [Mr. FRAZIER] is paired with the senior Senator from Delaware [Mr. HASTINGS]. If present and voting, my colleague would vote "yea," and the Senator from Delaware would vote "nay."

Mr. KENDRICK. On this question I am paired with the senior Senator from Idaho [Mr. BORAH]. If he were present, I understand that he would vote "yea," and if I were at liberty to vote I should vote "nay."

Mr. ROBINSON of Indiana. I have a general pair with the Senator from Mississippi [Mr. STEPHENS]. I transfer that pair to the Senator from Kentucky [Mr. ROBSION] and will vote. I vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Vermont [Mr. DALE] with the Senator from Massachusetts [Mr. WALSH];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Utah [Mr. KING]; and

The Senator from California [Mr. JOHNSON] with the Senator from Texas [Mr. CONNALLY].

The result was announced—yeas 40, nays 33, as follows:

YEAS—40

Ashurst	Cutting	La Follette	Sheppard
Barkley	Dill	McKellar	Simmons
Black	Fletcher	McMaster	Smith
Blaine	George	Norbeck	Steck
Bratton	Glass	Norris	Swanson
Brock	Harris	Nye	Thomas, Okla.
Brookhart	Harrison	Overman	Trammell
Caraway	Hawes	Ransdell	Wagner
Copeland	Heflin	Robinson, Ind.	Walsh, Mont.
Couzens	Howell	Schall	Wheeler

NAYS—33

Allen	Goff	McCulloch	Smoot
Baird	Goldsborough	McNary	Sullivan
Bingham	Greene	Metcalf	Thomas, Idaho
Broussard	Hale	Moses	Townsend
Capper	Hatfield	Oddie	Vandenberg
Deneen	Hebert	Patterson	Watson
Fess	Jones	Phipps	
Gillett	Kean	Pine	
Glenn	Keyes	Shortridge	

NOT VOTING—23

Blease	Grundy	Pittman	Stephens
Borah	Hastings	Reed	Tydings
Connally	Hayden	Robinson, Ark.	Walcott
Dale	Johnson	Robsion, Ky.	Walsh, Mass.
Frazier	Kendrick	Shipstead	Waterman
Gould	King	Steiwer	

So Mr. BARKLEY's amendment was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed the following joint resolutions, in which it requested the concurrence of the Senate:

H. J. Res. 241. Joint resolution making an additional appropriation for the fiscal year 1930 for the cooperative construction of rural post roads; and

H. J. Res. 242. Joint resolution making an appropriation to carry out the provisions of the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved March 2, 1929.

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 2086. An act granting the consent of Congress to the Wabash Railway Co. to construct, maintain, and operate a railroad bridge across the Missouri River at or near St. Charles, Mo.;

H. R. 6621. An act to extend the times for commencing and completing the construction of a bridge across the water between the mainland at or near Cedar Point and Dauphin Island, Ala.;

H. R. 7642. An act to extend the time for completing the construction of the approaches of the municipal bridge across the Mississippi River at St. Louis, Mo.;

S. J. Res. 98. Joint resolution to grant authority for the erection of a permanent building at the headquarters of the American National Red Cross, Washington, D. C.; and

H. J. Res. 170. Joint resolution providing for a study and review of the policies of the United States in Haiti.

5-AND-10-CENT CHAIN STORES

Mr. BLACK. Mr. President, I ask unanimous consent to have inserted in the RECORD a news item released by the United States Department of Labor concerning the 5-and-10-cent chain stores.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

5-AND-10-CENT STORES NOT UNMIXED BLESSING, UNITED STATES WOMEN'S BUREAU FINDS

UNITED STATES DEPARTMENT OF LABOR,
WOMEN'S BUREAU,
Washington.

The weak link in chain stores of the 5-and-10-cent-store variety, whose practice of selling so many everyday necessities at such low prices makes them a real boon to a community, is failure to pay many of their girl employees wages sufficient to procure the necessities of life. This fact is clearly brought out in a recently published report on limited-price chain department stores by Miss Mary Elizabeth Pidgeon, of the Women's Bureau, United States Department of Labor.

Twelve dollars a week can scarcely be called a living wage in this day of high costs, but $12 was found to be the median, or middle point, of the earnings for a week in the last quarter of 1928 of slightly over 6,000 girls in 179 limited-price stores scattered throughout 18 States and 5 additional cities.

Only 7 per cent of the girls earned as much as $18, while 70 per cent earned less than $15, and 25 per cent less than $10.

Fixed selling prices irrespective of locality are a well-known policy of the chain system, but it is apparent from the Women's Bureau figures that wage standards differ from State to State. In California, for example, the median was $16, the minimum wage permitted by law for experienced workers in the State. Michigan with a $15 median and Kentucky with a $14 ranked next. The median of $8.80 for Maryland was the lowest for any State, but a $9 median was reported for six—Alabama, Georgia, Kansas, Mississippi, South Carolina, and Tennessee. The other States included in the survey, with their medians, are as follows: Arkansas, Florida, and Oklahoma, $10; Delaware and Rhode Island, $11; Ohio, $12; and Missouri and New Jersey, $13.

In the five additional cities median earnings were $12 in Boston, $13 in Indianapolis, $14 in New York City and Milwaukee, and $18 in Chicago.

The low-wage figures shown in the report to be typical of the industry seem out of harmony with such sound economic policies as overhead savings due to centralized purchasing and quantity buying, rapid sales turnover, small profits on articles sold in big volume, buying and selling on the cash basis, abolishing delivery cost and advertising expense—features of these stores also stressed in the bulletin.

The phenomenal increase in sales—one chain reporting a 350 per cent increase from 1912 to 1927—is not paralleled by any striking advance in wages in the past few years, according to the report.

In a few States the data secured give valid bases for comparisons of earnings in 1928 with earnings in 1921 and 1925, Miss Pidgeon points

out. Some reduction is shown in 1928 in the proportions of women receiving the lowest rates, but no positive indication is given of a general increase in the groups having rates or earnings in the highest ranges.

Limited-price stores suffer by comparison with most other industries in the matter of wage standards, the bulletin shows, the claim being supported by statistics available for 15 States. Attention is called to the fact that while the limited-price department store has to contend with inexperienced and shifting labor and that some chains endeavor to mitigate in a small degree the low wage by some form of bonus or vacation system, nevertheless the standards of payment are very low, indeed, in comparison with those in many other industries in whatever State or year studied.

That the different 5-and-10-cent chains are not all plated and engraved with the same wage standards is another fact brought out by the acid test of the analyses made in the study. Of five chains compared, wage rates in one tended to be consistently lower and those in another consistently higher than was the case with the remaining three chains.

Mr. BLACK. Mr. President, I call the attention of the Senate to the fact that, according to this information given out by the Department of Labor, only 7 per cent of the girls employed in these stores earn as much as $18 per week, while 70 per cent earn less than $15 per week and 25 per cent earn less than $10 a week.

I call attention further to the fact that while the one chain reports a 350 per cent increase in sales from 1912 to 1927, that is not paralleled by any striking advance in wages, according to this report.

Mr. WALSH of Montana. Mr. President, with reference to that, has the Senator any information concerning the profits made by the leading chain-store companies?

Mr. BLACK. The particular bulletin to which I have referred does not give any information concerning the profits. I have some information in my office, but I do not have it in my possession here at the present time.

Mr. WALSH of Montana. I thought it would be pertinent in connection with the extraordinarily low rate of wages they pay their employees. I dare say that it would be quite proper to request information from the Secretary of the Treasury on that subject.

Mr. BLACK. Mr. President, I think that is correct, and I call attention to the fact that in the State of Maryland the average wage is lower than that paid in any other State—$8.80 per week. I do not state that particularly to call attention to the State of Maryland, but that happens to be the State in which the wages are the lowest. In the States of Arkansas, Florida, and Oklahoma the average is $10 a week; in the States of Alabama, Georgia, Kansas, Mississippi, South Carolina, and Tennessee the average is only $9.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. COPELAND. Not only does the chain store not contribute to the community by paying good wages, as stated by the Senator, but, in my opinion, it does not contribute to the civic life at all by reason of the fact that the personnel of the administration of the local store is largely transient. It drives out of business old established concerns, where the proprietor had an important part in the civic and political life and in the upbuilding of the community.

I think the Senator is to be commended for bringing this matter to the attention of the Senate.

Mr. BLACK. Mr. President, I agree with the Senator regarding the lack of contribution of the chain store to the community. I made some statements with reference to that several weeks ago.

HOUSE JOINT RESOLUTIONS REFERRED

The following joint resolutions were each read twice by their titles and referred to the Committee on Appropriations:

H. J. Res. 241. Joint resolution making an additional appropriation for the fiscal year 1930 for the cooperative construction of rural post roads; and

H. J. Res. 242. Joint resolution making an appropriation to carry out the provisions of the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved March 2, 1929.

THE SUGAR INSTITUTE

Mr. BLACK. Mr. President, I desire to call attention to the fact that the Sugar Institute, about which something has been said, has caused a rule to be adopted which is working unfairly against the purchasers of sugar, particularly in Mobile, Ala. It will take but a moment to read the letter I have received in regard to the matter, and I shall read it in order that it may be placed in the RECORD.

On account of the fact that we have recently had before us the sugar tariff, and it will come up again, I desire to show what is being done in the matter of fixing the price of sugar. It will take only about five minutes, and I shall read a letter I have received from Mobile, Ala., and a letter from the Inland Waterways Corporation, to show the method which is adopted to extract an extortionate price from the consumers of this Nation.

I read first a letter addressed to me from Mobile, Ala., dated January 28, 1930, as follows:

MOBILE, ALA., *January 28, 1930.*

Hon. HUGO L. BLACK,
United States Senate, Washington, D. C.

DEAR SIR: We beg to invite your attention to the following facts relative to the cost of sugar to wholesalers and jobbers in the city of Mobile. All sugar refiners in New Orleans, or who use New Orleans as a basic point, are now billing their production to wholesale distributors at Mobile at the refinery basis price per hundredweight plus rail rate from New Orleans to Mobile. This rail rate is $0.245 per hundredweight. As you are no doubt aware, Mobile enjoys the facilities of the Mississippi-Warrior Barge Line, and it has been the practice of Mobile merchants in every line of business to use these facilities whenever and wherever possible. The barge rate of freight on sugar to Mobile is 17½ cents per hundredweight. Refiners are charging merchants in Mobile the rail rate, no matter what method of shipment is used, from refinery to Mobile. In other words, they are shipping their production by the barge at 17½ cents per hundredweight and are charging the buyer the rail rate. This is a difference of 7 cents per bag, and, in our opinion, is a highhanded discriminatory charge.

One of the purposes of the Mississippi-Warrior Barge Line, a part of the Inland Waterways Corporation of the United States Government, was to reduce freight cost, making a saving to the consumer. You can readily see that this arbitrary charge of the refiners must necessarily be passed on to the consumer; therefore defeating one of the primary purposes of the Mississippi-Warrior Barge Line.

In addition, this is greatly interfering with the competitive status of Mobile merchants. Near-by jobbing points on the Mississippi coast, such as Biloxi, Gulfport, Pascagoula, and also Pensacola, Fla., are still able to purchase sugar on a basis of the barge rates and at a greatly reduced freight cost.

The basis of which sugar is sold to Mobile merchants has been determined by what is known as the Sugar Institute. We fail to see why this discrimination has been made. We are placing these facts before you and ask that you investigate same and have them verified, and we will be very pleased to hear from you after you have thoroughly gone into the matter.

Very respectfully yours,

M. FORCHHEIMER GROCERY CO. (INC.),
MARION H. FORCHHEIMER, *Vice President.*

I shall now read a letter addressed to me from the Inland Waterways Corporation, to which I addressed an inquiry as to this practice. They state:

INLAND WATERWAYS CORPORATION,
Washington, D. C., February 3, 1930.

Hon. HUGO L. BLACK,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: In the absence from the city of General Ashburn I am taking the liberty of replying to your letter of the 1st instant in his behalf.

We are familiar with the situation mention by Mr. Forchheimer in his letter to you of the 20th ultimo, which you sent with your letter and which I am now returning to you.

Unquestionably, since the organization of the so-called Sugar Institute, the sugar refineries are so operating as to create injustice such as Mr. Forchheimer complains of. If we knew of any way to overcome this we would be glad to avail ourselves of it. The remedy, however, is not in our hands. The Department of Justice and the Federal Trade Commission have had the matter brought to their attention and we have some hope that it may be corrected through their efforts. In the mean time all that this office can do is to confirm to you substantially what Mr. Forchheimer complains of, namely, that the refineries are, with apparent concert, using a basis of sale for their sugar, which results in depriving the distributors and consumers of sugar from any saving incident to Mississippi-Warrior service rates.

Very truly yours,

T. Q. ASHBURN,
Major General, United States Army, Chairman and Executive.
By CLARK C. WREN,
Assistant to the Chairman.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. SMOOT. I have called attention several times to that very situation, and that is what we have to meet in trying to

ship our sugar from the West. I have not looked up the matter for some time, and I would not like to attempt to state the exact rate, but the rate from Chicago on the barge line is so small that if we ship sugar from the West to Chicago, we can not ship it on south in competition with that rate.

Mr. WALSH of Montana. Mr. President, I would like to have some information, if it can be accorded by either the Senator from Alabama or the Senator from Utah, as to what the Sugar Institute is, and just how it regulates the price that is to be charged for sugar in the various cities of the country.

Mr. BLACK. Mr. President, the Senator may obtain the information from a report of the hearings before the Committee on Agriculture and Forestry of the Senate. The Sugar Institute, it is claimed, was organized for the purpose of preventing unfair competition by one sugar refinery so as to injure another. It seems it works as all such agreements ordinarily do, to raise the price.

Mr. WALSH of Montana. I understand now. It is apparently one of the ordinary trading associations, which has various high-sounding purposes, as disclosed in its prospectus and that kind of thing, but the actual effect of it is to fix the price of the product in connection with which it is organized.

Mr. BLACK. The effect and purpose of it is to bring together all over the country the huge mergers and combines to which I referred a few minutes ago. The country is becoming filled with a very few huge business combines, with tremendous power to fix rates on anything they sell, and of course the consumer pays the price.

It was claimed the Sugar Institute was formed because some sugar refiners were selling sugar at too low a price. It was claimed they were selling it below cost, and therefore, according to the reports made, which the Senator can find in the report of this investigation, a meeting was called in order, as they said, that there might be no such unfair practice as one man selling sugar at a price lower than the price of another. It is the same system we have. It is the monopoly system. That is why a few weeks ago upon the floor of the Senate I called the attention of the Attorney General of the United States to the fact that if something is not done by the Government to prevent the continuation of the huge monopoly system, the Congress of the United States, the lawmaking body, will be compelled to protect the people by regulating the price even of the food that they eat. None of us are anxious for that day to arrive, but that is what we are tending toward to-day. With the rapid concentration of the food supply of the United States, as I pointed out, in the hands of three or four chains, this being predicted by the packers of the United States, it means the fixing of the price of every product in the country by the combine.

The Sugar Institute is doing that now. They conclude that Mobile, Ala., ought not to have the advantage of the barge-line rate. They therefore get together and say "We will charge you a price which includes 24½ cents per hundred pounds which we would be compelled to pay on the railroad, but we will ship by the barge line," which they do and then they make the consumers of sugar in Mobile, Ala., pay the extra price. Why? It is because they are clearly violating the Sherman Antitrust Act. It seems to me that the tendency of the day is to consider the Sherman Antitrust Act as dead and antiquated, and therefore it is not enforced. I am calling attention to it with the hope that the Attorney General of the United States will take action to prevent a repetition of this crime against the people.

Mr. WALSH of Montana. I merely desire to add that unfortunately the Supreme Court of the United States has held that the trade association is not a violation of the Sherman Act, and yet I am advised by persons connected with the Department of Justice, who have been following this litigation for many years, that in substance and effect such associations are arrangements for the purpose of fixing the price of the commodity in relation to which they are heard.

Mr. BLACK. That is undoubtedly true. I called attention to these two matters together simply to bring to the attention of the Senate again the rapid concentration and the monopoly which exists in the country, as I pointed out in connection with the desire to change the packers' decree. In order that the people may be protected these monopolies must in some way be stopped.

NIOBRARA ISLAND, NEBR.

Mr. NYE. From the Committee on Public Lands and Surveys, I report back favorably without amendment the bill (H. R. 5191) to authorize the State of Nebraska to make additional use of Niobrara Island, and I submit a report (No. 154) thereon. I invite the attention of the senior Senator from Nebraska [Mr. NORRIS] to the bill.

Mr. SMOOT. I do not think it will lead to any discussion.

Mr. NORRIS. Let me say to the Senator that I am familiar with this island in the Niobrara River. It is quite a large island. I have been over it. It was originally given to the city of Niobrara which is a small community. The island is so large that they could not give it proper care so we passed through Congress an act permitting them to turn it over to the State of Nebraska for use as a public park. This legislation simply gives permission to the State of Nebraska to use a portion of the island for a game and fish preserve.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That after the transfer to the State of Nebraska of all rights, title, and interest in Niobrara Island, as provided in the act entitled "An act to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska," approved February 4, 1929, such State may use such part or parts of such island as it deems advisable for the propagation, preservation, and protection of game and fish.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REVISION OF THE TARIFF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. BARKLEY. Mr. President, on page 22, in paragraph 42, edible gelatin, there may be some slight justification for the increase in the rate on glue, but I can not see any justification for an increase in the rate on edible gelatin. We produced about 104,000,000 pounds and imported about 1,500,000 pounds. I am offering an amendment to restore the rate to 20 per cent instead of 25 per cent.

Mr. COPELAND. Mr. President, I hope the Senator will do that. I have pending an amendment to do that very thing, to strike out "25" and insert "20," to strike out the numeral "2" and insert "1½," and in line 10 to strike out "25" and insert "20."

Mr. BARKLEY. That is the amendment which I have in mind.

Mr. COPELAND. If the Senator is willing, I will send my amendment forward and offer it in the hope that it will be adopted. If we were to leave the rate as it is in the bill, it would mean that glue, which is used in almost everything in the world that is made, from matches to shoes and furniture and in the repair of implements of all kinds, would carry these high rates. It would be a mistake to impose this burden upon the people.

Mr. BARKLEY. There is no question that that is correct. I hope the amendment restoring the present duties will be adopted.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. COPELAND. Do I understand my amendment is pending now?

The VICE PRESIDENT. It is the pending amendment. However, the Senator has sent forward three separate amendments, and they can be considered together by unanimous consent only.

Mr. COPELAND. Inasmuch as their purpose is to restore the rates to the present law and since the whole class is contained between the two semicolons, it seems to me we might properly consider them together.

Mr. SMOOT. For the sake of the RECORD, I think it would be very much better to have a vote on each item.

Mr. COPELAND. Very well.

Mr. SMOOT. The Senator's amendment is to strike out "25" in line 8, page 22, and insert "20"?

Mr. COPELAND. Yes.

The VICE PRESIDENT. That is the first amendment of the Senator from New York.

Mr. SMITH. Where is the proposed amendment to be found?

Mr. SMOOT. On page 22, line 8, where the Senator from New York proposes to strike out "25" and insert "20." The latter rate is the present law. The change is made for these reasons. Since 1925 the total imports of animal glue have increased from 5,175,568 pounds, valued at $436,973, to 9,133,271 pounds, valued at $799,920, or over 100 per cent increase.

Mr. BARKLEY. In that connection, we also exported 2,547,000 pounds, which should be subtracted from the imports.

Mr. SMOOT. I am coming to the exports. The imports consist very largely of extracted bone glue originating from England, together with relatively small amounts of low-grade hide glues from Germany. The imports compete with the domestic

extracted bone glue. Although the total imports of all animal glue were 12.6 per cent by quantity and 6 per cent by value of the total domestic production of all animal glue, the imports amounted to over 80 per cent of the domestic production of extracted bone glue. That was the only good reason presented to the committee for increasing the rate from 20 to 25 per cent, and that is evidently a large proportion of the industry.

Mr. BARKLEY. Of course, the Senator is reading the figures with reference to glue.

Mr. SMOOT. It relates also to gelatin.

Mr. BARKLEY. Yes; but the edible gelatin, of which we produce about——

Mr. SMOOT. No; this is "valued at less than 40 cents a pound."

Mr. BARKLEY. It is still gelatin, no matter what its value.

Mr. SMOOT. The edible gelatin is in line 3, "valued at less than 40 cents a pound, 20 per centum ad valorem." The Senate cut that specific duty from 5 cents to 3½ cents a pound. That, of course, was a reduction. Then, "valued at 40 cents or more per pound, 20 per centum ad valorem and 7 cents per pound; gelatin, glue, glue size, and fish glue"——

Mr. BARKLEY. There is a comma after "gelatin," which, of course, indicates that it does not mean gelatin glue. It means gelatin and glue.

Mr. SMOOT. That is true, but this is the highest grade of glue there is. There is 80 per cent of the domestic consumption that is imported. It does not apply to the edible gelatin at all. It applies only to that gelatin, glue, glue size, not specially provided for.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SMOOT. I yield.

Mr. COPELAND. There are practically no glue imports at over 40 cents a pound. All of the imports of glue are under 40 cents a pound.

Mr. SMOOT. That is why the amendment was made. That is why we gave the 5 per cent, because 80 per cent of the domestic consumption is imported. That is the item which has been changed from 20 to 25 per cent. I think when the importations are 80 per cent of our consumption, it is fair for us to infer that there ought to be some increase granted.

Mr. BARKLEY. Where 80 per cent of the domestic consumption is imported, it strikes me that it would indicate we are not supplying a sufficient amount of the commodity to meet our own demands.

Mr. SMOOT. We can not do it at the price.

Mr. BARKLEY. Why should we compel the people to pay an additional price for 80 per cent of what they buy in order to raise the rate above what it is?

Mr. SMOOT. If we have a rate of 25 per cent then we will supply the market.

Mr. BARKLEY. There is no guaranty of that.

Mr. SMOOT. I do not think there is any question about it from the testimony given before the committee. It can not be done at the price now.

Mr. WALSH of Montana. Mr. President, I should like to inquire if the language does not require some modification in order to make it clear. The paragraph begins with "edible gelatin valued at less than 40 cents per pound," the duty being 20 per cent ad valorem and 3½ cents per pound. Now we come down to "gelatin, glue, glue size, and fish glue, not specially provided for, valued at less than 40 cents per pound." That would indicate that it is the same thing. But here is "edible gelatin valued at not less than 40 cents," and "gelatin valued at not less than 40 cents per pound."

Mr. SMOOT. This is not edible gelatin, because it says "not specially provided for." Edible gelatin is provided for.

Mr. WALSH of Montana. How are we going to distinguish between edible gelatin where the value is less than 40 cents a pound and gelatin that is not edible worth less than 40 cents a pound?

Mr. SMOOT. There is a special test made of every importation, and there is no question about the result of those tests. The phraseology is word for word the same as the existing law, and we have had no trouble whatever and no objection to it.

Mr. WALSH of Montana. It occurred to me there would be all manner of trouble.

Mr. SMOOT. No; there is none. I really think the 25 per cent rate is justified on account of the amount of importations of this particular item.

Mr. COPELAND. Mr. President, the advice I have on this subject is quite to the contrary. It has been pointed out to me that if this provision is passed as written, it will materially increase the cost of glue in common use in this country in all walks of life. If that is the case, we ought not to pass it as it is written.

Mr. SMOOT. I suppose the Senator has reference to one particular kind of glue, and that is hat glue.

Mr. COPELAND. Oh, no.

Mr. SMOOT. There is a little glue that falls in this paragraph, but the great bulk of it, 80 per cent of the amount consumed, is imported.

Mr. BARKLEY. In that connection the greatest quantity of the imported glue is made up of bone glue, which we do not produce in very large quantities. I want to inquire of the Senator from Utah whether, in making a comparison of costs between the United States and other countries, he did not compare the cost of hide glue in the United States with the cost of bone glue in the foreign countries?

Mr. SMOOT. Let me call the Senator's attention to the fact that the extract bone glue is 11,149,200 pounds, and the green bone glue is 34,184,500 pounds. The total of all enumerated glues of all kinds in 1928 was only 103,620,000 pounds.

Mr. BARKLEY. That is domestic production?

Mr. SMOOT. Yes. Then of the imports we find of glue and glue size of all kinds, the quantity in 1928, which was the highest it ever was, amounted to 9,183,000 pounds.

Mr. BARKLEY. That includes all sorts of importations, hide and bone and all, as compared with 45,000,000 pounds of hide and bone glue.

Mr. COPELAND. Mr. President, may I ask the Senator from Utah if there was not an application made to the Tariff Commission for an increased rate, and did not the Tariff Commission decline to give it?

Mr. SMOOT. My information is that there was an application made, but the investigation has not yet been completed. Whether that is so or not, that is the information they gave the committee.

Mr. COPELAND. Is the Senator quite certain that the Tariff Commission did not decline to recommend the increase?

Mr. SMOOT. I am quite certain that it did not.

Mr. COPELAND. The advice I have is that after a hearing, the Tariff Commission declined to recommend the increase. That is a further reason, if it be true——

Mr. SMOOT. But it is not true.

Mr. COPELAND. Perhaps it is not; but that is the advice I have.

Mr. BARKLEY. Mr. President, if the Senator from New York will yield to me, I will say that the Tariff Commission did make an investigation, but I understand their report has not been submitted to the President.

Mr. SMOOT. And it has not been made public, and there has been no statement from the Tariff Commission.

Mr. COPELAND. The Senator is asking for an increase when the Tariff Commission has made an investigation of the very matter but has not submitted any report.

Mr. SMOOT. That would not make a particle of difference. If they should make a report, it would be under the present law, and the President could make the rate 30 per cent instead of 25, or he could decrease the rate. The report, however, has not been submitted.

Mr. COPELAND. Is it not a fact, however, that if there is an increase the great packing concerns are the ones that are going to benefit by it?

Mr. SMOOT. No; the great packing concerns are not going to benefit any more than are the other concerns that are making glue. I have heard the Senator state upon the floor of the Senate that wherever 80 per cent of the domestic consumption of a product was imported that product ought to be protected. I agree with the Senator in that, and that is the only reason why the committee have recommended the rate now in the bill.

Mr. COPELAND. I have had to make so many statements during the last couple of weeks when I was supporting measures recommended by the Senator from Utah that I am rather glad to be on the other side of the question for a change. Here is an article that goes into almost everything that we use, into the making of shoes, into the making of desks and chairs and matches, in the repair of agricultural implements and in their construction. Glue is a thing that is as commonly used in the manufacturing field as is bread in the culinary department of life, and for my part I am quite unwilling to vote for any increase on this particular item.

Mr. SMOOT. I think, Mr. President, of all the items in this bill on which an increased rate has been sought the facts as to the imports in this case justify the small increase which is proposed. With that statement I am perfectly willing that the Senate should take a vote.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The question is on agreeing to the amendment proposed by the Senator from New York [Mr. COPELAND], which the clerk will state.

The LEGISLATIVE CLERK. In paragraph 42, on page 22, line 8, it is proposed to strike out "25" and insert "20," so as to read:

Gelatin, glue, glue size, and fish glue, not specially provided for, valued at less than 40 cents per pound, 20 per cent ad valorem.

The PRESIDING OFFICER. The question is on agreeing to the amendment. [Putting the question.] The ayes seem to have it.

Mr. SMOOT. I ask for the yeas and nays.

Mr. WATSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll, and was interrupted by—

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BARKLEY. Is it in order to ask unanimous consent to vacate the proceedings under the roll call and have a division on this question? So far as I am concerned, I do not care to have taken the time necessary to call the roll.

The PRESIDING OFFICER. That could only be done by unanimous consent.

Mr. BARKLEY. I ask unanimous consent that the proceedings under the roll call be dispensed with, and that we may vote on the question by a division.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The question is on agreeing to the amendment proposed by the Senator from New York, on which a division is requested. Those in favor of the amendment will stand until counted.

Mr. KEAN. Mr. President, I should like to have the amendment read.

The PRESIDING OFFICER. The amendment will again be stated.

The amendment was again stated.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Those in favor of the amendment will stand and remain standing until counted.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SHORTRIDGE. What is the amendment and what is the proposition on which we are about to vote?

The PRESIDING OFFICER. The absence of a quorum was suggested, and the clerk was proceeding to call the roll, when, by unanimous consent, the calling of the roll was dispensed with, and on the question of the adoption of the amendment a division was asked.

Mr. WATSON. I demand the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are demanded. Is there a second?

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. GLENN (when his name was called). Making the same announcement as on the last vote with regard to my pair and its transfer, I vote "nay."

Mr. BINGHAM (when Mr. WALCOTT's name was called). Making the same announcement as on previous votes with respect to the absence of my colleague [Mr. WALCOTT] and his pair, I wish to announce that if he were present he would vote "nay" on this question.

Mr. WHEELER (when his name was called). I transfer my pair with the junior Senator from Connecticut [Mr. WALCOTT] to the senior Senator from Minnesota [Mr. SHIPSTEAD] and vote "yea."

Mr. BLEASE. I have a pair with the Senator from Maine [Mr. GOULD]. I transfer that pair to the Senator from Iowa [Mr. STECK] and vote "yea."

Mr. NYE. Upon this question my colleague the senior Senator from North Dakota [Mr. FRAZIER] has a pair with the senior Senator from Delaware [Mr. HASTINGS]. Were they present and voting, my colleague would vote "yea," and the Senator from Delaware would vote "nay."

Mr. SCHALL. Mr. President, my colleague [Mr. SHIPSTEAD] is unavoidably absent. Were he present, he would vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The senior Senator from Pennsylvania [Mr. REED] with the senior Senator from Arkansas [Mr. ROBINSON];

The junior Senator from Vermont [Mr. DALE] with the junior Senator from Massachusetts [Mr. WALSH];

The junior Senator from New Jersey [Mr. BAIRD] with the senior Senator from Nevada [Mr. PITTMAN];

The junior Senator from Missouri [Mr. PATTERSON] with the junior Senator from Washington [Mr. DILL]; and

The junior Senator from Colorado [Mr. WATERMAN] with the junior Senator from Utah [Mr. KING].

The result was announced—yeas 40, nays 38, as follows:

YEAS—40

Ashurst	Connally	Howell	Sheppard
Barkley	Copeland	Kean	Simmons
Black	Cutting	La Follette	Smith
Blaine	Fletcher	McKellar	Stephens
Blease	George	McMaster	Swanson
Borah	Glass	Norbeck	Thomas, Okla.
Bratton	Harris	Norris	Tydings
Brock	Harrison	Nye	Wagner
Brookhart	Hawes	Overman	Walsh, Mont.
Caraway	Heflin	Schall	Wheeler

NAYS—38

Allen	Goldsborough	McNary	Smoot
Bingham	Greene	Metcalf	Steiwer
Broussard	Hale	Moses	Sullivan
Capper	Hatfield	Oddie	Thomas, Idaho
Couzens	Hebert	Phipps	Townsend
Deneen	Johnson	Pine	Trammell
Fess	Jones	Ransdell	Vandenberg
Gillett	Kendrick	Robinson, Ind.	Watson
Glenn	Keyes	Robsion, Ky.	
Goff	McCulloch	Shortridge	

NOT VOTING—18

Baird	Grundy	Pittman	Walcott
Dale	Hastings	Reed	Walsh, Mass.
Dill	Hayden	Robinson, Ark.	Waterman
Frazier	King	Shipstead	
Gould	Patterson	Steck	

So Mr. COPELAND's amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment.

The LEGISLATIVE CLERK. On page 22, line 9, it is proposed to strike out "2" and insert "1½," so as to read:

And 1½ cents per pound.

Mr. COPELAND. This restores the rate to the present law.

Mr. BARKLEY. Mr. President, this amendment is simply in harmony with one we have already adopted; and the one in the next line is the same thing. I do not care to discuss them.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment will be stated.

The LEGISLATIVE CLERK. On page 22, line 10, it is proposed to strike out "25" and insert "20," so as to read:

Twenty per cent ad valorem.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BARKLEY. Mr. President, the next amendment I have to offer is in paragraph 50.

Mr. LA FOLLETTE. Mr. President, there are several amendments in paragraphs which have been passed over about which I should like to make some inquiry. If the Senator desires to offer that amendment, however, I will wait.

Mr. SMOOT. I suggest that the Senator from Kentucky get through with his amendments.

Mr. BARKLEY. On page 23, line 13, I move to strike out "7" and insert "3½." That is on magnesia. The rate on oxide or calcined magnesia has been increased from 3½ to 7 cents per pound. We produced, in 1919, 9,000,000 pounds. In 1925 we produced 11,100,000 pounds. The imports in 1928 were 301,000 pounds.

Inasmuch as this is used as a medicine, and is a commodity commonly known throughout the country, and the imports are very small compared to the domestic production, which is increasing, I think this increase of 100 per cent in the tariff rate is not justified.

Mr. SMOOT. Mr. President, I think the Senator's figures were wrong. If he will look at the report of the Tariff Commission, he will see that he quoted the figures for all kinds of magnesia.

Mr. BARKLEY. No; I quoted the figures for calcined or oxidized magnesia only.

Mr. SMOOT. In the figures that the Senator has quoted the calcined rock is included with the true calcined magnesia, as collected by the Bureau of the Census. If the Senator will read it, he will find out that that is the case.

Mr. BARKLEY. In this connection, I will state that I had drawn this amendment originally for a restoration to the present rate of 3½ cents per pound. Later, I concluded to offer it for 5 cents instead of 7 cents; and I will modify the amendment accordingly. I hope the Senator from Utah will accept that.

Mr. SMOOT. Mr. President, I simply want to say that the domestic production of magnesia oxide or calcined magnesia is

about 300,000 pounds annually. I desire to put that statement in the RECORD now.

Mr. BARKLEY. Does the Senator mean the domestic production or the importation?

Mr. SMOOT. The domestic production of magnesia oxide or calcined magnesia is about 300,000 pounds annually. In 1928 the imports of this material were as great as the production, 100 per cent and a little over. If the Senator changes his amendment to 5 cents, however, I am inclined not to oppose it.

Mr. HARRISON. Mr. President, the increase that the committee made was 100 per cent, increasing the rate from 3½ cents to 7 cents. The Senator from Kentucky has modified his amendment so as to make it 5 cents. Will not the Senator from Utah let that amendment be adopted and go to conference?

Mr. SMOOT. I have no objection to letting it go to conference.

Mr. BARKLEY. I will state that, on page 246 of the Tariff Commission's report, under the heading of "Magnesium oxide or calcined magnesia," which is affected by my amendment, the domestic production in 1925 is stated to be over 11,000,000 pounds, compared to an importation of about 300,000 pounds.

Mr. SMOOT. That includes the calcined rock and all.

Mr. BARKLEY. It does not say so.

Mr. SMOOT. But I say to the Senator that it does. I inquired about it at the time we had it up for consideration before, and I have also inquired to-day, and that is what I am told; but that makes no difference as to the rate now.

Mr. BARKLEY. The Senator is going to accept this amendment, I believe?

Mr. SMOOT. Let it go to conference.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Kentucky, as modified.

The amendment, as modified, was agreed to.

Mr. LA FOLLETTE. Mr. President, I should like to ask the Senator to refer to page 9, paragraph 26.

The existing law upon diethylbarbituric acid and salts and compounds thereof is 25 per cent ad valorem. Under presidential proclamation that was changed to 25 per cent ad valorem on the American selling price. The committee has provided a specific duty of $2.50 a pound. I have not been able to find any domestic-production statistics. The Senator knows that from diethylbarbituric acid and its salts are produced certain medicinals, among them those best known by the trade names of veronal and barbital, which are widely used as sedatives.

I note that the Summary of Tariff Information gives the imports in 1928 at 23,278 pounds, valued at $197,829; but I have been unable to find any production statistics. In view of the tremendous increase over the existing rate, I should like to ask the Senator upon what figures and facts the committee took that action.

Mr. SMOOT. The domestic cost of production was in excess of $4 per pound. That was the evidence before the Finance Committee, and also what was shown at the time the Tariff Commission made the investigation as to the rates then existing. The German price varied from $1.35 to $1.40 per pound in 1928. The rate of duty of $2.50 per pound on the acid and salts and compounds thereof is a slight increase over the rate proclaimed by the President—just a slight increase—but still is insufficient to equalize the difference in domestic and foreign cost of production.

Mr. LA FOLLETTE. Is that from the report of the Tariff Commission?

Mr. SMOOT. That is from the report of the Tariff Commission.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from New York.

Mr. COPELAND. I find that in 1928 the imports of barbital had increased to 27,278 pounds, and the physicians of the country made an appeal to the Abbott Laboratories, of North Chicago, Ill., to manufacture this product; so during the war they did that, and since. I am quite clear that this rate should be sustained.

Mr. SMOOT. Mr. President, I want to say to the Senator that the pre-war price of barbital was $20 and $21 per pound, and under the bill of 1922 the manufacture in this country began, and now the price is down to about $4 from $21 a pound.

Mr. LA FOLLETTE. Of course that is true of many of the war-time prices.

Mr. SMOOT. Yes; but that was prior to the war. The price then was up to $20 and $21 a pound. Later the manufacture in this country was started, as the Senator from New York says, in North Chicago and one or two other places. We began to make it in this country, and now there is local competition, and the price is down to $4.

Mr. LA FOLLETTE. I was prompted to ask the question because there did not seem to be any domestic-production statistics available, and the rate appeared to me to be an increase.

Mr. COPELAND. Mr. President, I suggest that the letter and statement from the Abbott Laboratories regarding the manufacture of barbital be included in the RECORD, so that the RECORD will show the facts.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

NEW YORK, *January 22, 1930.*

Hon. ROYAL S. COPELAND,
United States Senate, Washington, D. C.

MY DEAR SENATOR: We will greatly appreciate any assistance you can give in sustaining the rate of $2.50 a pound on barbital (par. 26) in the pending tariff bill. This rate is the same as that which passed the House and is an increase of 46 cents over the present rate of duty. This increase will have no effect whatever on the price of the drug to the ultimate consumer, since the latter buys it in 5-grain tablets at the rate of $70 a pound. You, of course, know the great value of barbital in the treatment of insomnia and, I feel sure, desire the production of a reasonable amount of the drug in this country.

Before the war barbital was manufactured in Europe exclusively. It was sold in this country at the rate of $21.50 a pound. When the supply of this drug was cut off, the Abbott Laboratories of North Chicago, Ill., began its manufacture at the request of many physicians and offered it for sale at the rate of $8.50 to $10 a pound. In 1922 the production of barbital by the Abbott Laboratories had reached 16,000 pounds a year. In the year just passed the production of barbital by this company dropped to less than 2,000 pounds, due to the large imports of it at prices with which this company was unable to compete.

The Abbott Laboratories maintains a large branch office in New York City for the sale and distribution of its products. We hope that you will give us the assistance we have asked for.

Yours very truly,

ABBOTT LABORATORIES,
H. B. SHATTUCK,
Vice President.

BRIEF STATEMENT ON BARBITAL (PAR. 26 OF PENDING TARIFF BILL) BY THE ABBOTT LABORATORIES, NORTH CHICAGO, ILL.

Barbital (par. 26) is perhaps the most widely used hypnotic prescribed for insomnia in this country. The annual consumption of this drug is approximately 30,000 pounds. It is synthetic and is not of coal-tar origin. It is usually sold in 5-grain tablets. Since there are 7,000 grains to the pound the importance of this drug in the treatment of insomnia and allied ailments is apparent.

Before the war the Germans sold barbital to this country at the rate of $21.50 a pound. At the request of physicians the Abbott Laboratories began manufacture of the drug, with the result that the price was reduced to from $8.50 to $10 a pound. The present tariff act placed a duty of 25 per cent ad valorem on foreign valuation on barbital. This was later changed by the President so that the duty was assessed on domestic wholesale selling price. The Tariff Commission, after its investigation, stated in its report that this increase, which was the limit under the flexible provisions of the present act, would not equalize costs of production here and abroad. A higher rate was necessary to protect the industry.

In 1922, the year the present act was passed, the Abbott Laboratories of North Chicago, Ill., produced 18,000 pounds of barbital.

In 1928 this production had decreased to 2,000 pounds. In 1928 the imports of barbital had increased to 27,278 pounds. The present rate of duty (25 per cent on the American selling price) amounts to about $2.12 a pound. The proposed rate of $2.50 a pound is an increase of only 46 cents. This will not affect the ultimate consumer because barbital is sold in Washington drug stores at the rate of 30 cents for six 5-grain tablets, or $70 a pound.

The domestic cost of producing barbital is about $4.20 a pound. Foreign costs are so low that the drug is being laid down in this country, duty excluded, for $1.35 a pound. The rate of $2.50 a pound will not equalize the cost of production here and abroad. The only thing it will do will be to bring them closer together. To adequately protect the production of barbital in this country the rate should be not less than $3 a pound. The productive capacity of American manufacturers of barbital in 1923 was 36,000 pounds a year. This drug is also sold under the trade name Veronal.

The above facts are taken from the report of the Tariff Commission, which is a part of the House hearing on this commodity, and from the brief filed with the Senate Finance Committee by the Abbott Laboratories. The only exception to this is the retail selling price, which was obtained on inquiry from one of the Liggett drug stores in Washington.

Because of its great importance in the treatment of such diseases as insomnia it is regarded as important that the American manufacture should be continued and increased.

Mr. LA FOLLETTE. Mr. President, on page 17, paragraph 30, I move to strike out in line 16 the figures "35" and to insert in lieu thereof the figures "30," so that the rate would be 30 cents a pound, so as to read:

PAR. 30. Collodion and other liquid solutions of pyroxylin, of other cellulose esters or ethers, or of cellulose, 30 cents per pound.

The duty in the existing law upon these cellulose esters is 35 cents a pound, so that the amendment which I propose would result in a reduction of 5 cents per pound in existing law.

I am prompted to offer this amendment because the statement furnished the Finance Committee by the Tariff Commission shows that in 1927 the domestic production of cellulose esters was $45,504,358, while the imports in 1927 amounted to $425,439. Therefore the ratio of imports to production was only ninety-three one-hundredths of 1 per cent by value.

It seems apparent, according to the figures that are available, that the duty of 35 cents per pound specific upon the cellulose esters has been practically a prohibitive duty, and it would seem that the reduction in duty would be justified at least for the purpose of taking the item to conference for further consideration.

I will ask the Senator from Utah if he is disposed to accept the amendment.

Mr. SMOOT. Mr. President, I have not all of the information here I would like to have.

Mr. COPELAND. What is the suggestion of the Senator from Wisconsin?

Mr. LA FOLLETTE. On page 17, line 16, to strike out "35" and to insert in lieu thereof "30."

If the Senator is disposed to accept the amendment, I do not desire to take any further time to debate the question.

Mr. SMOOT. I have no information here other than the figures as to the production, the importations and the exportations. I have no objection to letting the amendment go to conference, and we can look it up further.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, on page 19, line 10, I propose to strike out the figures "35" and insert in lieu thereof the figures "30." The information furnished in the table presented to the Finance Committee by the Tariff Commission indicates that the domestic production of vulcanized fiber for 1927 was $23,817,616, while the imports in 1927 amounted to $1,249, and the exports totaled $1,455,175. The ratio of imports and exports to consumption of vulcanized fiber in 1927 was, respectively, one-tenth of 1 per cent and 6.1 per cent.

Mr. SMOOT. Mr. President, I call the Senator's attention to the fact that these articles are generally classed under the paper schedule. I think that is what has misled the Senator as to importations. Therefore we can not tell what the real importations have been if we refer only to paragraph 32.

Mr. LA FOLLETTE. Can the Senator give the figures as to the total importations?

Mr. SMOOT. No. I asked about that when the question arose in the committee, and they are classified as certain papers, and they have never been separated yet, so we can not say what the importations have been.

Mr. LA FOLLETTE. All I am proposing is a reduction in the ad valorem rate from 35 to 30 per cent, and I ask the Senator to accept that and let it go to conference.

Mr. SMOOT. This is quite different from the situation presented in the consideration of the previous paragraph. I felt justified in accepting the Senator's amendment as to that. I thought that perhaps the position taken by the Senator as to that was correct, but I doubt the wisdom of this amendment, and I hope the Senator will not press it. If I had the exact figures, I would be glad to give them; but the items have not been kept separated. We do know that the great bulk of these articles go in under the classification of the paper schedule. I think there are other items of more importance than this, and I would not like to accept this amendment.

Mr. LA FOLLETTE. Mr. President, in the summary of tariff information on vulcanized fiber the statement is made that imports of vulcanized or hard fiber have been small and the exports of vulcanized fiber, strips, rods, and tubes go to the United Kingdom, France, and Canada. Exports of vulcanized fiber go principally to Canada. There is no statement concerning the fact that these statistics should be qualified or considered in any other manner than that in which they are furnished by the commission.

Mr. SMOOT. But the report also shows the statement I made. I think it would be dangerous to accept this amendment. I would at least like to have it go over for the day, and if the Senator can get any further information we can take it up later. I do not feel justified in accepting the amendment this evening.

Mr. LA FOLLETTE. It seems to me that in a case of this kind, where such facts as we have show that there is an exportation of this commodity and that imports have been nil, a case is made for a slight reduction in the duty.

Mr. SMOOT. If the Senator wants to vote, I am willing.

Mr. LA FOLLETTE. I am ready for a vote.

Mr. SIMMONS. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BLEASE (when his name was called). I have a pair with the junior Senator from Maine [Mr. GOULD] and withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT]. I transfer that pair to the junior Senator from Oklahoma [Mr. THOMAS] and vote "yea."

Mr. WHEELER (when his name was called). I have a general pair with the junior Senator from Connecticut [Mr. WALCOTT]. I transfer that pair to the senior Senator from Minnesota [Mr. SHIPSTEAD] and vote "yea."

The roll call having been concluded,

Mr. NYE. My colleague the senior Senator from North Dakota [Mr. FRAZIER] is paired on this question with the senior Senator from Delaware [Mr. HASTINGS]. Were they present and voting, my colleague would vote "yea," and the Senator from Delaware would vote "nay."

Mr. BINGHAM. I make the same announcement as before with regard to my colleague [Mr. WALCOTT]. If he were present and not paired, he would vote "nay."

Mr. SCHALL. I desire to announce that my colleague [Mr. SHIPSTEAD] is unavoidably detained.

The PRESIDING OFFICER (Mr. FESS) announced the following pairs:

Mr. DALE with Mr. WALSH of Massachusetts; Mr. BAIRD with Mr. PITTMAN; Mr. GOULD with Mr. BLEASE; Mr. PHIPPS with Mr. OVERMAN; Mr. WATERMAN with Mr. KING; Mr. GRUNDY with Mr. FLETCHER; Mr. GREENE with Mr. CARAWAY.

The result was announced—yeas 35, nays 33, as follows:

YEAS—35

Barkley	Cutting	Johnson	Simmons
Black	Dill	La Follette	Smith
Blaine	George	McKellar	Swanson
Borah	Glass	McMaster	Trammell
Bratton	Harris	Norbeck	Tydings
Brock	Harrison	Norris	Wagner
Brookhart	Hawes	Nye	Walsh, Mont.
Connally	Heflin	Schall	Wheeler
Copeland	Howell	Sheppard	

NAYS—33

Allen	Hale	Metcalf	Steiwer
Bingham	Hatfield	Moses	Sullivan
Broussard	Hebert	Oddie	Thomas, Idaho
Capper	Jones	Patterson	Townsend
Couzens	Kean	Pine	Vandenberg
Deneen	Kendrick	Robinson, Ind.	Watson
Fess	Keyes	Robsion, Ky.	
Goff	McCulloch	Shortridge	
Goldsborough	McNary	Smoot	

NOT VOTING—28

Ashurst	Gillett	King	Shipstead
Baird	Glenn	Overman	Steck
Blease	Gould	Phipps	Stephens
Caraway	Greene	Pittman	Thomas, Okla.
Dale	Grundy	Ransdell	Walcott
Fletcher	Hastings	Reed	Walsh, Mass.
Frazier	Hayden	Robinson, Ark.	Waterman

So Mr. LA FOLLETTE's amendment was agreed to.

Mr. BLAINE. Mr. President, I want to call the attention of the chairman of the Finance Committee to paragraph 42—the glue paragraph—and particularly I call his attention to the last three lines with reference to casein glue, which under the paragraph bears an ad valorem duty of 25 per cent. I call attention to the fact that the Senate has fixed a specific duty of 5½ cents a pound on casein. I understand that 80 per cent of the casein glue is made out of casein, so that a 25 per cent ad valorem protective rate on casein glue is less than the specific duty on casein.

Mr. SMOOT. The Senator is correct, and when we reach that paragraph I intend to call attention to it.

Mr. BLAINE. I thought we had already passed it.

Mr. SMOOT. We did pass it in the first place, and it escaped my attention at that time. If the Senator will let it go over until to-morrow morning, we will take it up then.

Mr. BLAINE. I want to suggest, in view of what the chairman of the committee has said, that the present rate fixed on casein would mean, if translated, a specific duty of 4.4 cents a pound on glue, while the actual rate as contained in paragraph 42 is only 3.92 cents a pound. Therefore the casein-glue manufacturers are almost one-half a cent a pound worse off than

under free trade; so that the 25 per cent ad valorem duty on casein glue will mean that casein will be shipped into this country in the form of glue instead of in the form of casein.

Mr. SMOOT. Has the Senator an amendment to offer to cover the point?

Mr. BLAINE. I think that a duty of at least 30 per cent ad valorem ought to be granted. That would leave the compensatory duty of 4.4 cents a pound to make up for the duty on casein, and a protective duty of only 0.31 of 1 cent per pound on casein glue.

Mr. SMOOT. That is about the rate as I figure it. The increase of 5 per cent would make it correct.

Mr. BLAINE. At least it would cover the increased rate on casein.

Mr. SMOOT. If the Senator has no objection, I will ask unanimous consent that we disagree to the committee amendment on casein glue.

The PRESIDING OFFICER. The Chair can not hear the Senator from Utah.

Mr. SMOOT. On page 22, line 12, I ask that "casein glue" be stricken out and that following the words "ad valorem" in line 14, we insert the words "casein glue, 30 per cent ad valorem."

The PRESIDING OFFICER. May the Chair ask whether or not the amendment relating to "casein glue" has not already been agreed to?

Mr. SMOOT. The committee amendment has been disagreed to and it leaves the House text. In line 11 the casein glue amendment was disagreed to. That being the case I will have to ask unanimous consent that we strike out the words "casein glue" in line 11 and after the words "ad valorem," in line 14, insert the words "casein glue, 30 per cent ad valorem."

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none. Without objection the amendment offered by the Senator from Utah is agreed to.

Mr. KEAN. Mr. President, I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 23, line 20, strike out lines 20, 21, and 22 and insert in lieu thereof the following:

PAR. 52. Menthol, 30 cents per pound; camphor, crude or natural, 1 cent per pound; refined or synthetic, 6 cents per pound.

Mr. SMOOT. Mr. President, will the Senator let the amendment go over until to-morrow morning?

Mr. KEAN. Certainly.

COMMENTS ON REPORT OF LAW ENFORCEMENT COMMISSION

Mr. WAGNER. Mr. President, I desire to state that to-morrow morning, as soon as I can secure recognition, I desire to submit some observations on the report of the Law Enforcement Commission, particularly on that portion of it which deals with the question of the right of trial by jury.

RECESS

Mr. SMOOT. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and the Senate (at 5 o'clock and 10 minutes p. m.) took a recess until to-morrow, Thursday, February 6, 1930, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *February 5, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, in our duties make the path plain to our vision. Thou who givest wisdom to all who ask, having loved Thine own, Thou dost love them unto the end. Coming to Thee, we would discern what we should be. We would take no ignoble conception of life, character, or duty. O teach us the way, and help us to walk in those virtues which shall be glorious through all eternity. Forgive our delays and imperfections. Again, our Father, we pause; we feel the shadows of the great adventure; the Nation's head bows—that most lovable man, gentle jurist, and great statesman is sick, we fear, unto death. In victory and defeat his fellow countrymen take him to the altar of their hearts; he abides in the sanctuary of their breasts. O how he abounded in riches of soul—even our night song praises the Lord as we feel the glow of his wonderful character. O Father of sympathy and consolation, be about yonder hearthstone as it is overcast by heavy grief. In the anguish of her distress may she discern Thee. Let not sorrow strike the shield of her faith. Be with her in quietness and in confidence, fearing no to-morrow, for Thou art infinite love. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 6621. An act to extend the times for commencing and completing the construction of a bridge across the water between the mainland at or near Cedar Point and Dauphin Island, Ala.; and

H. R. 7642. An act to extend the time for completing the construction of the approaches of the municipal bridge across the Mississippi River at St. Louis, Mo.

The message also announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 3371. An act to amend section 88 of the Judicial Code, as amended; and

S. Con. Res. 25. Concurrent resolution relating to numbering of sections and paragraphs of the tariff bill.

The message also announced that the Senate agrees to the amendment of the House to the joint resolution (S. J. Res. 98) entitled "Joint resolution to grant authority for the erection of a permanent building at the headquarters of the American National Red Cross, Washington, D. C."

The message also announced that the Senate agrees to the amendment of the House to the amendments of the Senate to the joint resolution (H. J. Res. 170) entitled "Joint resolution providing for a commission to study and review the policies of the United States in Haiti."

SEVENTY-FIFTH ANNIVERSARY OF THE YORKVILLE ENQUIRER

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. STEVENSON. Mr. Speaker, I take the floor to call attention to the fact that there is a county paper in South Carolina which has just celebrated its seventy-fifth birthday. It is a semiweekly, conducted by the same people since it was founded three-quarters of a century ago. The grandfather, the father, the son, and the grandson have been operating the paper and they are conducting it to-day with great force and with great influence for good in the community. It is in a town of 3,000 inhabitants and the paper has more subscribers than there are inhabitants in the town. I refer to the Yorkville Enquirer, and, Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD as a part of my remarks what Mr. Brisbane has recently written about this paper and its proprietors.

Mr. UNDERHILL. Mr. Speaker, I am sorry I have to object to the gentleman extending his remarks by inserting Mr. Brisbane's opinion of a newspaper published down in South Carolina. I think it has no national or general interest.

Mr. STEVENSON. Mr. Speaker, may I ask for one minute more?

The SPEAKER. The gentleman from South Carolina asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. STEVENSON (reading):

The Yorkville Enquirer noted the seventy-fifth anniversary of its founding on January 4, 1930. Four generations of the same family have been connected with the Enquirer since it was established by that name January 4, 1855.

That is probably a record for a single family remaining in the newspaper field with the same newspaper in the same town—a record not only for the United States but for all the world. Seventy-five years is a long time for a newspaper to exist. There are few of them in the United States. York, formerly Yorkville, founded about 1798, has had a newspaper since 1823. The Grist family has been connected with the publishing business here most of that time; to be exact, since 1832. In 1926, Arthur Brisbane wrote in the New York Evening Journal:

BRISBANE COMMENTS ON RECORD

"There were two generations of Bennetts; only one of Horace Greeley. Three generations of Joseph Medill's family have run the Chicago Tribune; the second generation of Butlers is running the Buffalo News; the fourth generation of the Grist family of Yorkville, S. C., is running the Yorkville Enquirer, that had for forerunner the Journal of the Times.

"Mr. A. M. Grist, grandson of John E. Grist, original editor, is running the Yorkville Enquirer, with his daughter, Miss Margaret Grist; his niece, Miss Sarah Elizabeth Grist; and his nephews, James D. and Lewis M. Grist 2d.

"That family has lived, worked, and edited in Yorkville, S. C., for almost a century without interruption. Do you know of any editorial family that can beat that record or any family of actors or other professional workers? The world knows three generations of the Drews, a great family of actors, but not four generations, yet.

"As holders of the records, your congratulations should go to the Grist family and to the Yorkville Enquirer, which they edit ably."

[Applause.]

THE CONSTITUTION AND THE BILL OF RIGHTS

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Constitution and the bill of rights, and in this connection to print extracts from speeches which I have made in the House.

The SPEAKER. The gentleman from New York asks unanimous consent to print his remarks in the RECORD on the subject of the Constitution and the bill of rights. Is there objection?

There was no objection.

Mr. GRIFFIN. Mr. Speaker, under the leave to extend, I herewith append a few timely remarks on the Constitution and the bill of rights and certain relevant extracts from speeches made by me at various times during the past 12 years:

THE AMERICAN CONSTITUTION

Political liberty in its rise and progress is like the course of a river. We can trace its origin, its feeble struggles through the sedge and undergrowth of primitive times; its tempestuous struggles and vicissitudes through tortuous channels; checked, obstructed—often turned back in its course—but inevitably broadening into a mighty waterway, sweeping majestically onward to the sea. Like the river, it shapes the contour of its banks—it tears down the passions of mankind, it hurls out of its way mighty bowlders of prejudice that resist its progress; it abrades the sides of rugged mountains and makes a scene of natural beauty the land which is blest with its presence. It promotes the bounteous rainfall of human kindness, restrains passion, conquers selfish ambitions, and makes order out of chaos.

The American Constitution was the culmination of the mature experience of mankind. Its founders had before their minds 2,000 years of experimentation in all forms of political government. They found little in ancient precedents to follow, but much to avoid. The Achaian and Lycian League was merely a confederation of the same nature as that from which they were striving to depart. There was nothing in the Swiss Confederation or in the United Netherlands which they could safely emulate.

In the rejection of these ancient forms their judgment has been amply justified. The United Netherlands is a thing of the past and the Swiss Federation has been evolved into a federal organization in emulation of our own.

The American Constitution was the offspring of 2,000 years of struggle for human liberty. It was and is the last word in political architecture of its class and the first great manifestation of American political genius.

The partisans of monarchical systems may still boast, if they will, of the efficiency and stability of hereditary kings and nobilities. But if such ancient systems have stood the ordeals of modern life it is because they have been stripped of all power for evil.

Under the American system the best title to nobility is achievement, the only road to precedence is ability.

ARTICLES OF CONFEDERATION

In the midst of the Revolutionary War the Congress had adopted a temporary makeshift of government known as the Articles of Confederation and Perpetual Union.

They were adopted on November 15, 1777, but it was not until the Continental Congress again assembled at Philadelphia, in the following July, that they were engrossed and ready for signature. On July 9 the delegates of eight States signed. North Carolina acceded on July 21; Georgia, July 24; New Jersey, November 26. The Delaware delegates signed on May 5 the following year, 1779, but Maryland refused to assent unless the public lands, northwest of the Ohio River, were ceded to the Federal Government by the respective States claiming them, and be held as the common property of all the States. This was a far-seeing fight in which the courageous little State triumphed. The cession was eventually made and Maryland's delegates signed the compact on March 1, 1781.

Its most distinctive influence was to inculcate the idea of a "perpetual Union." These words occur not only in the preamble but are repeated four times, and the document closes, as though to make it more emphatic, with the same thought in these words: "The Union shall be perpetual."

It is well to emphasize this, because the idea of the original compact between the States of a "perpetual union" was entirely lost sight of in later years by the advocates of secession, not only by those in the South during the Civil War but by those in New England who supported secession in the Hartford Convention.

There are many things about the Articles of Confederation which are of historical interest; for instance, they protected the slave owner in the possession of his slaves. They contained, strange as it may seem, the first suggestion of the "recall" in American politics, for they provided for the recall of Delegates to the Continental Congress. They left an opening for Canada to enter the confederation. They acknowledged the lottery as a political expedient, for they provided for the choice of judges by lot in the determination of disputes between the States.

They made the Continental Congress the executive as well as the legislative branch of Government, except that during the recesses of Congress they provided for the appointment—by Congress—of an executive committee. Beyond this, there was no provision for the executive or judicial branches of government. Without a responsible executive, an established judiciary, or a cohesive organization, it is easy to understand the virtual anarchy into which the States ebbed when the Revolutionary War closed.

THE MAKING OF THE CONSTITUTION

After pottering along for six years without a national revenue or the means of raising it, with States here and there threatening secession, with disorder rampant everywhere, the best minds in the Union saw the need of a better organized system of Federal Government. Congress finally issued a call for a convention to meet at Philadelphia in May, 1787—

For the sole and express purpose of revising the Articles of Confederation.

Even in the wording of that resolution, notwithstanding the dire straits of the country, you will note a reluctance to venture on new paths.

The wording of the resolution was one of the first stumbling blocks encountered by the delegates when they convened. After much discussion, they cast their fears to the winds and boldly adopted a resolution declaring "That a national government ought to be established, consisting of a supreme legislature, a judiciary, and an executive."

The convention consisted of 55 members and embraced among their number the ablest men in America whose names have become historic—George Washington, Benjamin Franklin, Alexander Hamilton, James Madison, George Mason, and Gouverneur Morris.

Although the appointed time was fixed as May 14, 1787, it was not until May 25 that a quorum was present. They sat in secret for nearly five months. The debate was often acrimonious and at times their undertaking seemed hopeless. In a moment of despair, Franklin, who was then 81 years of age, proposed that the convention, as all human means of obtaining agreement seemed to be useless, should open its meetings with prayer. The original resolution in his handwriting with an annotation stating that "only three or four agreed with him" is still preserved in the State Department at Washington.

THE CONNECTICUT COMPROMISE

After crossing the first bridge—that is, settling the question as to whether they should amend or discard and recreate a new constitution—the convention split on many fundamental issues. The slave States favored the confederation idea because that gave them each one vote irrespective of size, wealth, or population, and on this rock the convention came near ending its career. Finally Roger Sherman proposed what has been called the Connecticut compromise—namely, the proportion of suffrage in the first branch (House of Representatives) should be according to the respective numbers of free inhabitants, and that in the second branch, or Senate, each State should have one vote or more. That plan was finally adopted with the proviso that each State should have two representatives in the Senate.

SLAVE QUESTION

The next difference was on the subject of slavery. That also became the subject of compromise—the negro being recognized as three-fifths of a man for the purposes of taxation and representation and holding out the promise of a cessation of the slave trade after 1808.

THE SAFEGUARD IN ARTICLE V

It is worth noting here that the clause relating to the slave traffic and also the clause securing equal representation in the Senate were safeguarded by a paragraph in Article V, which precluded them from ever being amended.

THE PRESIDENCY

The next great controversy was as to the character of the Executive, his designation, and term of office. Here the struggle between democracy and aristocracy was emphasized. But the democratic trend of the period was tame and feeble, for the suggestion of having the Executive elected by direct vote of the people found no favor. Hamilton and Morris favored the principle of an Executive for life.

MANNER OF ELECTION

The convention differed, too, on the manner of election. Thirty votes were taken on this question alone. It created the Electoral College—an awkward, complicated contrivance which we seem never to have been able to wholly abandon. The twelfth amendment, ratified in 1804 after the Jefferson-Burr contest, patched it but failed to make it adequate to meet the Hayes-Tilden controversy in 1876.

Democracy has had an arduous and uphill struggle. Slowly and by degrees it has won its way into the political systems of the world. It has gained the victory of having the Senate elected by direct vote of the people, but has yet to reach the goal of popular election of the President and Vice President.

THE LITERARY FINISH

The convention had so far agreed on the principles of the document that on July 24, 1787, a committee of detail was appointed to lick the instrument into shape. On August 6 this committee reported the draft of the Constitution in 23 articles. On September 12 a committee on revision of style was appointed, and it is of interest to note that the literary finish of our Nation's organic law is due to Gouverneur Morris, who was a member of that committee and at that time a delegate from Pennsylvania. Bryce has said that Morris had one of the acutest minds of the convention.

THE OPPOSITION

The Constitution was promulgated on September 17, 1787. It is significant to note that it was signed by only 39 out of the original delegates. Although the instrument was filled with compromises, there were many who refused to be appeased.

Among these, perhaps the most conspicuous were Patrick Henry and Thomas Jefferson. Here was one time, at least, where two popular idols agreed. It had not been long before this that Henry and his followers had fought Jefferson's plan for the separation of the church and state in Virginia—a reform, the accomplishment of which Jefferson thought so much of—and rightly so—that he coupled it with his authorship of the Declaration of Independence as worthy of a place in his epitaph.

THE BONE OF CONTENTION

The chief bone of contention was that the instrument as adopted failed to incorporate those basic principles of liberty which had drifted down the stream of history from Runnymede and had become embedded in the common law of the land. These embraced freedom of religion, free speech, free press, the right to bear arms, the right to peaceably assemble and petition for redress, and so forth; in fact, all of the guaranties contained in the 10 amendments subsequently adopted.

A BILL OF RIGHTS OR NO BILL OF RIGHTS

The point was: Were these fundamental principles of liberty sufficiently embedded in the common law to be forever safe against legislative repeal or interference? Hamilton held they were; Jefferson held they were not, and worked incessantly with his pen, in letters to his political friends, to promote a propaganda for the incorporation of these guaranties as amendments in the new Constitution.

JEFFERSON'S VIEWS

Claude Bowers, in his Jefferson and Hamilton, quotes from one of Jefferson's letters to Madison. By that time he had become reconciled to the document itself, as promulgated by the convention, but insisted that—

* * * a bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse or rest in inference.

HAMILTON'S VIEWS

Hamilton held that the guaranties of personal liberty were indissolubly bound up in the common law of the land, and that incorporating them in the Constitution, instead of making them more secure, would only tend to expose them to attack.

Mark the keenness of this reasoning:

For why declare that things shall not be done which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained when no power is given by which restrictions may be imposed?

Continuing, he says:

I will not contend that such a provision would confer a regulating power; but it is evident that it would furnish, to men disposed to usurp, a plausible pretense for claiming that power. They might urge with a semblance of reason that the Constitution ought not to be charged with the absurdity of providing against the abuse of an authority which was not given, and that the provision against restraining the liberty of the press afforded a clear implication that a power to prescribe proper regulations concerning it was intended to be vested in the National Government. This may serve as a specimen of the numerous handles which would be given to the doctrine of constructive powers by the indulgence of an injudicious zeal for bills of rights. (The Federalist, No. LXXXIV, p. 439, McLean ed., New York, 1788.)

BOTH WERE RIGHT

There was a real, vital need at the time that the great fundamental principles of human liberty, which up to that moment were buried in judicial decisions, should be put in statutory form and given a sanctuary in the organic law of the new Nation, for in many of the States, and even in England itself, freedom of worship and the right of free speech and a free press were on a very insecure foundation. Jefferson therefore was right, on the facts, in insisting that the bill of rights should go into the Constitution.

Hamilton also was right, but only on the theory that the fundamental rights of man were already definite and secure in the existing state of society. If that were true, there would obviously be no need for closer definition or further repetition in the organic law of the Nation.

THE SANCTITY OF THE BILL OF RIGHTS

"Why declare that things shall not be done which there is no power to do?" That was the substance of Hamilton's argument. Jefferson's reply was to point to the facts, to the many trespasses already made by colonial legislatures and the natural fear that the Legislature of the new Nation in the course of time might be tempted to make similar encroachments. He wanted the bill of rights to be not only impregnable but unassailable. That is why he wanted it in the Constitution itself.

It will thus be seen that both of these great statesmen were in accord as to the sanctity of the bill of rights. Hamilton believed that it was so sacred that it could never be assailed. Jefferson believed it was so sacred that it ought to be put in a special niche on the altar of the Constitution, so that no legislature would ever dare to make the attempt to attack it, remove it, or impair its force.

THE GREAT OMISSION

There was only one flaw in the reasoning of Jefferson and those who agreed with his proposal to embed the bill of rights in the organic law, and that was the great omission to foresee that its incorporation therein might at some time in the future make its safeguards and guaranties subject to repeal or amendment under Article V of the Constitution, of which it thus became a part.

And this is precisely what has happened. But it took 130 years. In the prohibition cases (253 U. S., p. 353) it was held that because the bill of rights was a part of the Constitution, all of its guaranties were thereby subject to modification or repeal by an amendment adopted under the amending clause of the instrument, namely, Article V.

Thus Hamilton's fears as to the dangers of interpretation were confirmed. Under this decision, if an amendment to the Constitution were adopted repealing the right of freedom of worship or the right of a free press, it would have to be upheld under the precedent thus established.

The great omission of the founders in incorporating the bill of rights in the organic law was in failing to provide that the guaranties of liberty embraced in the bill of rights shall never be subject to repeal or impairment under Article V of this Constitution.

It will be remembered that that very precaution was taken to prevent any interference with the slave traffic prior to 1808 and with the right of the States to equal suffrage in the Senate. Article V specifically provides as follows:

Provided that no amendment which may be made prior to the year One thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article (dealing with the slave traffic) and that no State, without its consent, shall be deprived of equal suffrage in the Senate.

Of course, at that time, the bill of rights had not been incorporated in the Constitution; but when the resolution submitting it to the States for adoption was framed, it would have been strange indeed if no one had thought of adding a similar safeguard to protect its guarantees from repeal or impairment,

if it were suspected, even for a moment, that their invulnerability could ever be questioned.

A QUESTION THAT WILL NOT DIE

This is a question that will not die. It is fairly open to speculation whether or not the Supreme Court, if the question were put before them again, would ever follow the precedent in the eighteenth amendment decision.

To my mind, there is ample justification for the judicial interpretation that at the time of the adoption of the Constitution the first 10 amendments were not a part thereof and could not therefore have possibly been envisioned as being susceptible of ever being abrogated or destroyed under the fifth article.

It is difficult to conceive that statesmen holding the attitude of Jefferson and Hamilton as to the sancity of the bill of rights would ever have consented to its incorporation in the Constitution without deliberately and specifically excepting its guaranties from the danger of repeal or impairment.

I venture to say that a close study of events contemporaneous with the adoption of the first 10 amendments, embracing the bill of rights, will justify the interpretation that if those amendments were understood to express in the organic law the fundamental guaranties of free government it was never the intention of the founders to subject them to the jeopardy of subsequent extirpation or destruction.

THE AMENDMENT OF THE CONSTITUTION

On March 4, 1789, the First Congress of the United States, then sitting in New York City, passed a resolution submitting 12 amendments for ratification by the States.

The first amendment was practically an apportionment law as to the number of Representatives to sit in subsequent Congresses. It was rejected.

The second amendment was also in the nature of statutory law, and it was also rejected.

The next 10 amendments embraced the much-discussed bill of rights, and they were ratified without a dissenting voice by the nine States which considered them. It appears that Massachusetts, Connecticut, Georgia, and Kentucky made no returns.

ANALYSIS OF THE AMENDMENTS

In my speech in the House on March 16, 1926, I incorporated an analysis of the 19 amendments to the Constitution so far adopted.

I classified them according to their purpose and character as: I, Declaratory; II, Explanatory; III, Structural; IV, Empowering; V. Legislative.

1. DECLARATORY; THAT IS, RECOGNIZING OR EXTENDING HUMAN RIGHTS

Amendment I. Declaring freedom of religion, speech, press; the right to peaceably assemble and petition for redress of grievances.

Amendment II. Declaring the right of the people to bear arms.

Amendment III. Declaring the sanctity of the home against the quartering of troops.

Amendment IV. Declaring the security of the people in their persons, houses, papers, and effects against unreasonable search.

Amendment V. Declaring the right of trial by jury.

Amendment VI. Declaring the right of the accused to a speedy trial in the district wherein the crime shall have been committed, etc.

Amendment VII. Declaring the supremacy of the common law and conserving the right of trial by jury.

Amendment VIII. Declaring against excessive bail and cruel and unusual punishment.

Amendment XIII. Extending the blessings of freedom to all human beings.

Amendment XIV. Declaring that no State shall deprive any person of life, liberty, or property without due process of law.

Amendment XV. Declaring the right of citizens to vote irrespective of race, color, or previous condition of servitude.

Amendment XIX. Declaring the right of citizens to vote irrespective of sex.

2. EXPLANATORY—THAT IS, CONSTRUING THE INSTRUMENT

Amendment IX. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Amendment X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

Amendment XI. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by the citizens of another State, or by the citizens or subjects of any foreign state.

3. STRUCTURAL—THAT IS, AFFECTING THE STRUCTURE OF THE INSTRUMENT

Amendment XII. Changing the method of the election of President and Vice President.

Amendment XVII. Changing the method of the election of United States Senators.

4. EMPOWERING—THAT IS, GIVING TO OR ENLARGING THE POWERS OF CONGRESS

Amendment XVI. Giving Congress the power to impose taxes on incomes irrespective of source and without regard to any census or enumeration.

5. LEGISLATIVE—THAT IS, PUTTING ENACTMENTS OR STATUTES IN THE INSTRUMENT; USURPING THE POWER OF CONGRESS

Amendment XVIII. Which embeds in the Constitution a police regulation prohibiting the manufacture, sale, or transportation of intoxicating liquors for beverage purposes.

An examination of this analysis shows that we have only one legislative amendment usurping the power of Congress, the eighteenth amendment.

[From my speech of December 9, 1926]

RELIGIOUS STATUTES IN THE COLONIES

Religion is a bad thing to inject into legislation, whether you invoke the moral sanction or not. There is always some pretext of morality in connection with every invasion of human liberty. That is the cloak under which intolerance makes its encroachments in all governments in all the history of the world. Read the history of our early Colonies, particularly Virginia and Massachusetts, where they had laws putting men in the stocks because they did not go to church, making it a capital offense if they missed church three times.

EVILS OF CHURCH INFLUENCE IN THE THIRTEEN COLONIES

I will take advantage of the leave to extend granted to me to insert at this point a brief summary of some of the religious statutes of the American Colonies. All of them, without exception, enacted laws for the purpose, as they believed, of promoting Christianity, but their cruel and inhumane enactments were in striking contrast with the charity, kindliness, and toleration of the founder of Christianity.

These rigorous colonial lawmakers doubtless thought they were speaking for the "moral forces" of the communities they were representing, for their intolerant and cruel statutes usually began with a preamble in the nature of a pious homily:

VIRGINIA

PENALTY OF DEATH FOR NONATTENDANCE AT CHURCH ON SUNDAY

Every man and woman shall repair in the morning to the divine service and sermons preached upon the Sabbath Day, and in the afternoon to the divine service and catechising, upon pain for the first fault to lose their provision and the allowance for the whole week following; for the second to lose the said allowance, and also be whipped; and for the third to suffer death. (America's first Sunday law, 1610.)

PENALTY OF DEATH FOR BLASPHEMY

In the same year, 1610, a law was enacted in Virginia against blasphemy, the offender for the first offense to suffer "severe punishment," for the second "to have a bodkin thrust through his tongue," and for the third "to be brought to a martial court and there receive censure of death."

(NOTE.—Similar laws were enacted by Massachusetts in 1698; by Connecticut about the same time; and by Maryland in 1723.)

MASSACHUSETTS

PRESUMPTUOUS SUNDAY DESECRATION TO BE PUNISHED BY DEATH

This court taking notice of great abuse and many misdemeanors committed by divers persons in these many ways, profaning the Sabbath or Lord's Day, to the great dishonor of God, reproach of religion, and grief of the spirits of God's people,

Do therefore order, That whosoever shall profane the Lord's Day, by doing unnecessary servile work, by unnecessary traveling, or by sports and recreations, he or they that so transgress, shall forfeit for every such default 40 shillings, or to be publicly whipped; but if it clearly appear that the sin was proudly, presumptuously, and with a high hand committed, against the known command and authority of the blessed God, such a person therein despising and reproaching the Lord, shall be put to death or grievously punished at the judgment of the court. (Law from Codification of 1671.)

WASHINGTON RUNS AFOUL OF THE LAW

As to that part of the statute against "traveling on the Lord's Day," it is interesting to note that even the good President Washington fell afoul of this pious prohibition. Having missed his way on Saturday he was obliged to ride a few miles on Sunday to gain the town in which he was to attend divine service. Before he arrived, however, he was met by a tithingman who commanded him to stop and demanded the occasion of his riding. The general explained the circumstances and it was not until he promised to go no further that the tithingman permitted him to proceed on his journey.

It is interesting to note, also, that John Adams actually, seriously argued that it was against the conscience of the people of his State to suggest making any changes in these rigorous drastic laws. He stated that they might as well think they could change the movements of the

heavenly bodies as to alter the religious laws of Massachusetts. (See Life and Works of John Adams by Charles Francis Adams, Vol. XI, p. 399.)

Nevertheless all of the religious statutes of Massachusetts, except the State Sunday laws, were abolished in 1833.

CONNECTICUT

PROPHANATION OF THE LORD'S DAY

Whosoever shall profane the Lord's Day, or any part of it, either by sinful, servile work, or by unlawful sport, recreation, or otherwise, whether wilfully or in a careless neglect, shall be duly punished by fine, imprisonment, or corporally, according to the nature and measure of the sinn, and offence. But if the court upon examination, by clear and satisfying evidence find that the sinn was proudly, presumptuously, and with a high hand committed against the known command and authority of the blessed God, such a person therein despising and reproaching the Lord shall be put to death, that all others may feare and shun such provoking, rebellious courses. (Law of 1656.)

DELAWARE

THE LAW AGAINST BLASPHEMY

The Delaware law of colonial times against blasphemy provided that if "wilfully or premeditately" done the offender "be set in the pillory for the space of two hours and be branded in his or her forehead with the letter B, and be publicly whipt on his or her bare back with thirty nine lashes well laid on." (Laws of Delaware, 1797, vol. 1, pp. 173, 174.)

Now, the better opinion of to-day of enlightened men all over the world is that you can not make men good or moral by law. [Applause.] Leave morality to the churches. Keep the churches within their ecclesiastical confines. Personal habits are a matter of church discipline. The state has only to do with the conservation of morality in its relation to public conduct and the preservation of law and order. The moment that religious opinions as to moral conduct are injected into legislative enactments that moment tyranny enters, and the freedom of the people is at an end.

Is it any wonder that Jefferson was anxious to see the bill of rights engrafted into the body of our Constitution?

[From my speech of July 18, 1919]

THE EIGHTEENTH AMENDMENT

CURTAILS HUMAN RIGHTS

I desire to point out the fact that the eighteenth amendment is the only amendment that curtails human rights. A casual examination of these amendments will bear out that contention.

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ANTAGONISTIC TO AMERICAN SPIRIT

This amendment is clearly antagonistic to the spirit of the Constitution, the principles which governed its creation and guided its gradual modification for over 130 years. It has broken ground in a new direction—establishes a new precedent which is fraught with many dangers and may lead to efforts in the future to engraft upon our Constitution further trespasses upon personal rights. It is an unhappy augury of the future that we have abandoned the wise maxim of our forefathers that the Federal Government may enlarge but shall not diminish individual liberty.

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A DANGEROUS PRECEDENT

If the Supreme Court confirms this usurpation, we may in time see a bill introduced and passed in Congress defining the term "religion" in the first amendment to the Constitution. That amendment provides, in part, as follows:

"Congress shall make no law respecting the establishment of a religion or prohibiting the free exercise thereof."

If the right of Congress to define constitutional terms by statute is once conceded, we may reasonably expect to see a bill introduced reading like this: "Any sect or aggregation of persons containing one-half per cent or more of communicants of foreign birth shall not be deemed a religion within the purview of the first amendment of the Constitution, and the practice thereof is prohibited."

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ITS COST

The only solicitude I have in the matter is that, at a time when you are cutting off from the available revenue of the country, heretofore received, the immense volume of taxes from wines, beers, and spirituous liquors, and at a time when retrenchment should be observed in every legislative act, you are about to establish a stupendous governmental agency, with vast hordes of revenue agents, inspectors, and other emissaries, to irritate and pester the citizenship of our land and fatten themselves upon the Public Treasury. The loss of revenue due to prohibition for the next fiscal year is estimated to be about $600,000,000. When we add to that the inevitable loss of receipts from the income tax and excess-profit tax the total reduction of the national revenue will probably be near to $1,000,000,000. Instead of devising schemes to further reduce the national revenue, we ought to concern ourselves with the problem of increasing it.

[From my speech of June 27, 1921]

It was not the laboring man who patronized the licentious cabaret or the all-night road house, where strong liquor debased men and ruined women. If drink conquered, it was in such places and in the homes of wealth and fashion.

There is a very old verse which runs as follows:

"The rich man has his cellar
And ready butler by him;
The poor must steer for his pint of beer
Where a saint can't choose but spy him.
The rich man's curtained windows
Hide the concerts of the quality;
The poor must share a cracked fiddle in the air,
Which offends all sound morality."

If any workingman fell from grace, you may rest assured it was not through beer.

WHISKY DRINKING ENCOURAGED BY PROHIBITION

Where light stimulants are used whisky drinking never flourishes. To-day whisky drinking has become a public scandal. Young men and young women who never before thought of whisky now drink it openly. To-day they open a bottle of whisky costing $10 or $12 as a matter of bravado, as would-be sports used to open up champagne at $5 a bottle.

The ardor of alcoholic appetite is a factor in enhancing the price of strong drink and tempts the commercial instinct of men to pursue an enterprise which promises large profits. The reformers played right into the hands of the forces they aimed to circumvent. If they had let beer and wine alone and struck at whisky and the saloon, at which the bulk of the people of this land thought they were aiming, there would be no such thing to-day as the prohibition question. The saloons are still open, doing a more flourishing business than ever before. They are getting more for their whisky than their predecessors used to get for high-priced French wines. And who supports these so-called brothels of iniquity? Why, the workingman, whose beer was taken away for his moral uplift and improvement.

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INTERFERENCE WITH MEDICAL PROFESSION

The real point in the controversy is how men can become so narrow and shortsighted as to meddle at all with a profession so sacred as that of the physician's and undertake to dictate to him what he shall or shall not recommend for the alleviation of human suffering. There lies the outrage against common sense and liberty. We have allowed, and will continue to allow, the physician to prescribe morphine, cocaine, heroin, arsenic, strychnine, and other deadly drugs. Under this latest effusion of fanaticism—the bill before us—the physician is left carte blanche to deal out the deadliest drugs in the pharmacopœia, but—consistency, thou art truly a jewel—he must not recommend his patient to take a glass of beer or porter!

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THE FORCE OF PUBLIC OPINION

At the hearing on this bill Mr. Wayne B. Wheeler said to the committee:

"Recently I was in Maine, the first State that adopted prohibition, and there met the sheriff and the officers, and they were making their request of that legislature, after 60 years' experience, for new legislation to meet the devices and schemes that had been worked out by the liquor interests to evade the law there."

There, sirs, what better evidence can you have than that to show the utter futility of attempting to thwart men's appetites? Before you can devise a workable enforcement measure you must first reconstruct human nature.

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RESPONSIBILITY OF LEGISLATORS

The best protection for our posterity will be found in the complete severance of personal morals from the domain of legislation. If we fail in this we establish a precedent for our successors to follow when the pendulum of public opinion swings the other way.

Thomas Jefferson, in a letter to Francis W. Gilmer, said:

"Our legislators are not sufficiently apprised of the rightful limits of their power; that their office is to declare and enforce only our natural rights and duties, and to take none of them from us. No man has a right to commit an aggression on the equal rights of another, and this is all from which the laws ought to restrain him." (Works of Thomas Jefferson, vol. 7, p. 3.)

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PROHIBITION AND MORALS

The difficulty with prohibition is that it is not a political question; it is not even an economic question, but is fundamentally a moral question, and does not yield to reason.

Morality does not submit to inexorable formulas. It is doomed to lie forever in the shadowy borderland of argument. Its usual solvent

is time and place. No fallible human being can say with absolute certainty that a certain course of conduct is ethically right or wrong. All that he knows is that if he agrees with the majority he may live in peace. If he does not, he is sniffed at or perhaps sent to jail.

It has been said that morality is a relative term; and, when we take a broad view of the human race and consider its divergence of origin and the variety of its ethnic strains, we are bound to admit that there is much truth in that contention. The Turk, sometimes called the "unspeakable Turk," deems it highly immoral to take a glass of wine, but considers the polygamous use of women as blessed in the sight of the Almighty. The Turk grafted his morality into the law—even as the Anti-Saloon men have grafted their morality into American law.

THE LAW AND MORALS

In ancient times, and among primitive peoples, law and religion were one. The law was a part of religion. That was when there was only one religion—the established religion. To-day, there being no established religion, the same forces of intolerance are seeking, indirectly, to engraft the teachings of their religion into the law. There is no difference in principle—the only difference is in the method. Truth is the basic doctrine in all religions, and it is well to teach it. It has never, however, in a republic, been deemed wise or just to enact the bare doctrine into law. It was soon seen that the legislator would first have to answer the eternal question, "What is truth?" The furthest he could dare go was to make a law punishing any infraction of the moral law which resulted in injury to others. So with temperance. Laws are justly made to punish drunkenness; but it is a novel doctrine in a republic that legislatures may curtail free will and punish an appetite independent of whether or not its exercise has injured the rights of others.

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ARE WE DRIFTING BACK INTO THEOCRACY?

Civil lawyers have invented a phrase to justify the State's invasion of individual liberty. They call it "the police power of the State." Under this the State officers invade your home and tell you what kind of plumbing you ought to use or how your walls should be papered. Churchmen have invented a similar slogan, "The moral power of the State," and under it they purpose to invade your home and tell you what you shall drink at your table.

In the colonial history of this country it will be found that our good ancestors thought that in the exercise of the moral power of the State they had the right to compel the individual to go to church on the Sabbath. In Virginia the statute provided that the third offense in failing to attend divine service on the Sabbath should be punishable by death. In Massachusetts and in Connecticut "presumptuous Sunday desecration," or breaking the Sabbath, was also punishable by death. Even in tolerant Maryland, which led the way in the New World to toleration of all Christian creeds, blasphemy was punishable by "death without benefit of clergy." In all of the thirteen Colonies lashes and public exposure in the stocks were the fate of those who offended against the statutes which religion had injected into the legislation of the Commonwealths.

It is to the everlasting credit of Roger Williams that he rebelled against the exercise of such restraint upon the individual conscience. For his manly stand in defense of human liberty he was driven out of the colony of Massachusetts in the dead of winter and compelled to throw himself on the mercy of the savage but sympathetic red men of the wilderness. With a few followers, in 1636, he founded the colony of Rhode Island, at Providence Plantations, where he dedicated, as the foundation stone of the new government, the lofty, imperishable principle "that conscience was by nature free, and that it was the duty of human society to preserve intact that freedom whereof the least violation was invariably the first step to soul bondage."

This would seem to be only the enunciation of a self-evident proposition; yet old errors die so slowly that it took over two centuries of growth of American public opinion to eradicate from our State laws those medieval statutes which enchained the human conscience.

To-day we are witnessing a renewal of that old spirit of interference with individual conscience, and the inquiry is truly pertinent: "Are we drifting back into theocracy?"

The eighteenth amendment is a violation of the right of individual freedom of opinion. It brings discredit on our glorious Constitution, which up to this hour has been held holy as the sacred depository of human liberty. The sooner this amendment is repealed the better will it be for America and humanity.

[From my speech of December 22, 1925]

FUTILITY AND FOLLY OF PROHIBITION

While the vineyards flourish and wheat and corn and barley grow men will avail themselves of the laws of nature to turn part of the fruit of the vine and grains of the soil into appetizing and healthful beverages. The disciples of the prohibition folly might well give some thought to the astute reflection of Sir Toby Belch in Twelfth Night:

"Dost thou think, because thou art virtuous, there shall be no more cakes and ale?"

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LOSS OF REVENUE

Before prohibition went into effect, through the operation of the Volstead law, the country was in receipt of a yearly revenue from excise taxes on wines, beers, and liquors of $483,050,854. The following table is taken from the pamphlet published by the Treasury Department in April, 1925, entitled "Statistics Concerning Intoxicating Liquors," and shows the loss of revenue:

Loss of excise taxes

Year	Distilled spirits	Fermented liquors	Total
1919	$365,211,252.26	$117,839,602.2	$483,050,854.47
1924	27,780,380.64	5,327.73	27,585,708.37
Loss	337,630,871.62	117,834,274.48	455,465,146.10

In addition to this, the enforcement of prohibition by the Federal Government has entailed an expenditure of large sums of money annually, growing larger every year. The bill before us, as I said, actually appropriates for the enforcement of the Volstead law the sum of $23,353,489.

In addition to the loss of internal revenue, or excise taxes, we have been deprived of customs duties on the importation of ales, wine, and beer to the amount of $20,000,000 per annum.

The duties on malt liquors, distilled spirits, and wines amounted in 1914 to $19,674,992. To-day the duties collected from those sources are negligible.

In these two items alone, namely, internal excise duties and customs duties, the people of the United States are losing a revenue of over $500,000,000 per year. But it is not alone in the deprivation of income that the people of the United States have suffered. The prohibition amendment and the act to enforce it have introduced a disturbing factor and upset the economic balance of the country, from the effects of which we are now suffering and will continue to suffer for many years to come.

I present a table herewith which shows one of these factors in all its enormity:

Destruction of personal property

There were in the United States when the Volstead Act went into effect 1,250 breweries, representing a capital invested of	$792,914,000
There were 434 distilleries, representing a capital of	91,285,000
There were 318 wine presses, representing a capital of	31,516,000
Total	915,715,000

This represents a total economic loss to the country of nearly a billion dollars. In addition to that, it entailed the throwing out of employment of over 70,000 men directly employed, and indirectly perhaps of 30,000 more. It will pay us to glance at the following table:

Number of persons thrown out of work

	Number of persons	Salaries annually
Beer and ales	62,070	$53,224,000
Distilleries	6,295	3,994,000
Wine making	2,292	1,194,000
Allied industries, etc	30,000	40,000,000
Total	100,657	98,412,000

The gravity of these figures can easily be conceived. It is no far stretch of the imagination to follow the fortunes of these 100,000 men deprived of a legitimate employment and source of income. If it were possible to obtain precise data I venture the thought that thousands of them have been driven into crime and form a large part of our prison population.

[From my speech of February 6, 1926]

RIGHT TO REPEAL BILL OF RIGHTS

If an amendment were adopted changing that system of representation, assuming that it could be adopted by a majority of the people of the United States, would that not be a breach of faith? Is it any less, then, a breach of good faith to nullify the original compact of the citizen with the Federal Government and with the other States of the Union by repealing the protective clauses of the bill of rights, which assure the citizen the guaranties of perpetual freedom?

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Tyranny by the majority is no easier to bear than tyranny imposed by kings, aristocracies, or privy councils. It is true, it bears the semblance of conforming to the principles of democracy. But those principles have their limitations, as the founders of our Republic fully understood. Why did they put in our Constitution the bill of rights? For no other reason than to protect minorities.

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HOME BREWING

The result has been the establishment of home brewing and the introduction of the liquor still in the home. These are greater evils

than that sought to be corrected. Families in which drunkenness was an utter stranger, accustomed to beer and wines, were suddenly deprived of what they considered an essential part of their household table supplies.

They did the only thing that remained for them to do. They made their own. The ancient household recipes were revived, and elderberry wine, raisin wine, and other ancient concoctions having the necessary flavor or "kick" were restored to the family larder. In such homes, and they are legion, the old status has been to some extent restored, but with this unfortunate consequence—that the shadow of hypocrisy and the gnawing consciousness of law violation disturb the peace of mind. This is the great wrong of such a tyranny of suppression. Decent, law-abiding people should not be subjected to such a hardship.

Then there is another consequence affecting the younger generation. What is their reaction to the disclosures thus made to them in the bosom of their own family? A perusal of the public press, with its daily recitals of immorality among the young, is the answer.

PILGRIMAGE OF MOTHERS AND WIDOWS OF DECEASED SOLDIERS, SAILORS, AND MARINES OF THE AMERICAN FORCES

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H. J. Res. 242) making an appropriation to carry out the provisions of the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved March 2, 1929.

The Clerk read the resolution, as follows:

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,386,367, to remain available until December 31, 1933, to enable the Secretary of War to carry out the provisions of the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved March 2, 1929 (45 Stat. 1508), and any acts amendatory thereof and supplementary thereto, including reimbursement of the appropriations of the War Department of such amounts as have been or may be expended therefrom in the administration of such act, and for such additional employees in the office of the Quartermaster General of the Army as the Secretary of War may deem necessary.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. STAFFORD. Mr. Speaker, under a reservation of objection, I think the House would be interested to know just how many of these mothers are provided for in this total appropriation of $5,386,367. I notice from the resolution the appropriation is made available until December 31, 1933, which is the date provided in the authorization act for these pilgrimages to be made.

Mr. WOOD. I will say to the gentleman that is problematical. The War Department has the execution of this act and has been trying to ascertain the facts with reference to those who are entitled to go and having them signify whether they will or will not go.

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. O'CONNELL of New York. I will say to my friend that in the hearings held by the House Committee on Military Affairs on December 17 of last year the testimony of Major General Cheatham, the then Quartermaster General, stated that the number of mothers and soldier widows who would be entitled to make this pilgrimage would be approximately 6,000, at a cost of about $800 for each person. There is no guesswork in respect to these figures, I will say to the House. General Cheatham made a personal visit to France, where he studied the whole subject at first-hand. He visited every hotel where these women will stop over there, inspected the ships in which they will be transported abroad, even the busses which will take the women from Paris to the various American cemeteries were seen and selected. Under this efficient officer, whose work on this important and humane assignment is worthy of the highest praise and should receive the acclaim of the Congress and the people, every single detail covering the progress of the afflicted mother or wife of the soldier buried in France has been arranged for down to the minutest detail. This $5,000,000 is one of the best investments our country could make and it will bring us manifold interest in international good will and amity with our allies in the great world conflict.

Mr. WOOD. I will give the gentleman the information exactly. It is estimated this amount will be sufficient to cover the expenses of 6,100 women during this year and next year. Under the present law 11,630 are eligible, of whom 5,649 have accepted, 5,026 have declined, and 955 are noncommittal. If all go that the War Department now anticipates may go, there will still be some leeway in this appropriation; but there is other legislation now pending before the Congress which, if passed, may require some further appropriation.

Mr. STAFFORD. The purpose of my inquiry is to ascertain whether this is to cover the expenses of those entitled to go under existing authorization, and also of those who may have the privilege under a contemplated amendment.

Mr. WOOD. The estimate is made on those entitled to go under existing law.

Mr. STAFFORD. As I understand from the hearings before the Committee on Military Affairs, the average expense is something like $800.

Mr. O'CONNELL of New York. General Cheatham went over there and went very carefully into this matter, and that was his estimate.

Mr. COLE. This is for the expense from the time they leave home?

Mr. WOOD. Until they arrive back.

Mr. LINTHICUM. Is this a conducted tour, or does each one get so much money?

Mr. WOOD. It is a conducted tour. Some mothers may not have money enough to bring them from home to the place of departure, but they will be given money under conditions properly safeguarded.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ADDITIONAL APPROPRIATION FOR THE CONSTRUCTION OF RURAL POST ROADS

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 241, making an additional appropriation for the fiscal year 1930 for the cooperative construction of rural post roads.

The Clerk read the joint resolution, as follows:

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $31,400,000, to remain available until expended, for carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916 (U. S. C., title 16, sec. 503), and all acts amendatory thereof and supplementary thereto, including the same objects specified under this head in the Agricultural appropriation act for the fiscal year 1930, such sum being part of the amount authorized to be appropriated for the fiscal year 1930 by the act approved May 26, 1928 (45 Stats. 750).

The SPEAKER. Is there objection?

Mr. SNELL. Reserving the right to object, I think the chairman of the committee ought to explain this resolution.

Mr. WOOD. I will explain it. The Bureau of Roads, Department of Agriculture, that administers the Federal appropriation for building roads is absolutely without money. All of this amount of $31,400,000 is under contract, and some is due now and more of it will be due before the end of this fiscal year.

Mr. SNELL. Does this increase the amount appropriated, or does it come out of the 1931 authorization?

Mr. WOOD. This comes out of the amount authorized for 1930. This is due because of the roads already constructed and those under contract.

Mr. SNELL. As I understand, then, this increases the amount available $31,000,000?

Mr. WOOD. This is out of the 1930 authorization.

Mr. SNELL. Then, as I understand, there is no increase in the appropriation for good roads for 1930?

Mr. WOOD. No; this appropriation is part of the general authorization for 1930.

Mr. BYRNS. We have not made an appropriation up to the limit of authorization.

Mr. SNELL. The full amount has not been appropriated?

Mr. BYRNS. No.

Mr. DOWELL. The authorization has been made and carried over. This is out of that already authorized by Congress.

Mr. SNELL. What is the total amount——

Mr. DOWELL. I have not the exact figures, but some has been held over from year to year when appropriation has been made.

Mr. SNELL. There is money authorized but not appropriated?

Mr. DOWELL. Yes.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THE PINK BOLLWORM

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 240, making an appropriation to enable the Secretary of Agriculture to meet an emergency caused by an outbreak of the pink bollworm in the State of Arizona.

The Clerk read the bill, as follows:

Resolved, etc., That the sum of $587,500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated to remain available until June 30, 1930, as an additional amount for salaries and general expenses, Plant Quarantine and Control Administration, Department of Agriculture, for the control and prevention of the spread of the pink bollworm, including the same objects specified under this head in the agricultural appropriation act for the fiscal year 1930, to enable the Secretary of Agriculture to meet an emergency caused by an outbreak of the pink bollworm in the State of Arizona: *Provided*, That no expenditures shall be made from this sum until an amount or amounts sufficient to compensate any farmer for one-half of his actual and necessary losses due to the enforced nonproduction of cotton in any zone established by the State of Arizona shall have been appropriated, contributed, or guaranteed to the satisfaction of the Secretary of Agriculture by State, county, or local authorities, or individuals or organizations.

The SPEAKER. Is there objection?

Mr. SNELL. Reserving the right to object, I think the gentleman from Michigan should make some explanation as to the effect this will have on the bill that we passed last Monday under suspension of the rules.

Mr. CRAMTON. I will be glad to explain. This is to meet an acute emergency in Arizona resulting from the presence of the pink bollworm. It is to meet the situation discussed last Monday in connection with the legislation the gentleman mentions, although it is a little different phase of it.

This resolution is to make an appropriation of $587,500, to be used by the Government in a clean-up program. The planting season in Arizona is such that it is imperative that the clean-up work, if undertaken at all, should be undertaken at once. Hence our request to bring it up in this way as an emergency.

Mr. SNELL. Is this part of the money authorized the other day?

Mr. CRAMTON. No. The money which was authorized the other day was for future appropriations of one-half the cost of the damages resulting to farmers by reason of the nonproduction of cotton in certain areas. This is an immediate appropriation with reference to a clean-up of certain areas infested, or adjacent thereto.

Mr. SNELL. The other was supposed to be an emergency, and that was why it was brought up at that time, was it not?

Mr. CRAMTON. The emergency character of that was not the appropriation itself but the authorization and the declaration of the Government's policy, a commitment to the payment of these damages. Those damages, of course, can not be figured until the end of the year, and then we will make the necessary appropriation.

Mr. SNELL. What legislation authorizes this appropriation?

Mr. CRAMTON. Existing legislation, as I recall, authorizes this appropriation.

Mr. SNELL. How much?

Mr. STAFFORD. It is $3,000,000 in the act passed by the last Congress.

Mr. CRAMTON. That is my recollection.

Mr. SNELL. And this is a part of that authorization?

Mr. CRAMTON. That is my recollection. The gentleman from Arizona [Mr. DOUGLAS] can refresh me as to that.

Mr. STAFFORD. I think it is the act of 1929, and I believe the amount is $3,000,000.

Mr. DOUGLAS of Arizona. The act of February 16, 1929. I can not give the gentleman the limitation of the authorization.

Mr. SNELL. But it is authorized by that act?

Mr. DOUGLAS of Arizona. Yes. It is a continuing appropriation.

Mr. CRAMTON. This is for the pink bollworm. This situation arose first in Texas on a large appropriation, as I recollect, something like $6,000,000. Only a small portion of that was used, and some of it was transferred to an appropriation—nearly $5,000,000—for the eradication of the Mediterranean fruit fly, or something of that kind. There is ample authorization remaining. That was in Texas and Louisiana, and this will be used in Arizona.

Mr. DOUGLAS of Arizona. The transfer of funds for the eradication of the Mediterranean fruit fly was from an authorization for compensation approved May 21, 1928. The appropriation contained in the joint resolution under consideration at the present time is authorized by the act of February 16, 1929.

Mr. SNELL. What does the gentleman from Michigan mean when he says that it is a clean-up proposition?

Mr. CRAMTON. They must go into the infested area and clean up the crops that are growing there, and everything that could act as a host to this pest.

Mr. SNELL. And has it been the policy of the Government to pay for all of that?

Mr. CRAMTON. Yes.

Mr. CLARKE of New York. The Agriculture Department has recommended this.

Mr. CRAMTON. And may I suggest further that a similar campaign was conducted in Texas and Louisiana, and it is the one outstanding instance where the Department of Agriculture has absolutely secured a clean-up.

Mr. SNELL. If they have any place like that, I am for it. Most of these places they do not clean up.

Mr. CRAMTON. This is a clean-up, and for eight years they did not have any further difficulty in that community. Now it is developing in another State.

Mr. SNELL. Well, get it through quick.

Mr. LAGUARDIA. Oh, there will be some more coming.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that to-morrow, after the reading of the Journal and the disposition of business on the Speaker's desk, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, we have more business to-morrow than we can possibly do. At some other time I would not object, but I shall have to object to taking up any time to-morrow.

Mr. DICKSTEIN. I think the gentleman ought to withdraw his objection. I do not take up much of the time of the House.

Mr. SNELL. It is not a question of how much time the gentleman takes up, but we have a definite program for to-morrow and the next day that we ought to get through with.

Mr. DICKSTEIN. Will the gentleman consent to 10 minutes?

Mr. SNELL. No; I shall have to object to any time to-morrow.

PAY OF ARMY, NAVY, AND COAST GUARD

The SPEAKER. Under authority of Public Resolution 36, Seventy-first Congress, second session, which relates to the pay of the Army, the Navy, and the Coast Guard, the Chair appoints the following committee:

The Clerk read as follows:

Mr. BURTON L. FRENCH, of Idaho; Mr. JOHN G. COOPER, of Ohio; Mr. HENRY E. BARBOUR, of California; Mr. WILLIAM B. OLIVER, of Alabama; Mr. ROBERT CROSSER, of Ohio.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the Committee on the Judiciary.

MEDICAL SERVICE IN FEDERAL PRISONS

Mr. GRAHAM. Mr. Speaker, I call up the bill (H. R. 9235) to authorize the Public Health Service to provide medical service in the Federal prisons, which I send to the desk.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 9235, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter, authorized medical relief under the Department of Justice in Federal penal and correctional institutions shall be supervised and furnished by personnel of the Public Health Service, and upon request of the Attorney General, the Secretary of the Treasury shall detail regular and reserve commissioned officers of the Public Health Service, pharmacists, acting assistant surgeons, and other employees of the Public Health Service to the Department of Justice for the purpose of supervising and furnishing medical, psychiatric, and other technical and scientific services to the Federal penal and correctional institutions.

SEC. 2. The compensation, allowances, and expenses of the personnel so detailed may be paid from applicable appropriations of the Public Health Service in accordance with the law and regulations governing the personnel of the Public Health Service, such appropriations to be reimbursed from applicable appropriations of the Department of Justice; or the Attorney General is hereby authorized to make allotments of funds and transfer of credit to the Public Health Service in such amounts as are available and necessary, which funds shall be available for payment of compensation, allowances, and expenses of personnel so detailed, in accordance with the law and regulations governing the personnel of the Public Health Service.

Mr. STAFFORD. Mr. Speaker, will the gentleman explain what procedure is now followed for giving medical aid to the inmates of our Federal prisons?

Mr. GRAHAM. There is a separate physician in each penitentiary. This is designed to make a systematic, coordinated arrangement by which the Public Health Service will attend to the wants of the prisoners, and it places the whole matter under the control of the Attorney General. It is on the House Calendar. It is in line with the bills passed in the House heretofore in regard to the service of these physicians.

Mr. STAFFORD. Is the gentleman informed if they are within the classified service?

Mr. GRAHAM. I think they are.

Mr. STAFFORD. In that case what becomes of them when the Public Health Service physicians are appointed?

Mr. GRAHAM. The Attorney General has recommended the bill. The Treasury Department has approved of it in this language:

> Your proposal presents a desirable opportunity for further coordinating and increasing the efficiency of Federal public health and medical services and is in keeping with the policies of this and previous administrations. The project has been given serious study and has the sympathetic approval of this department.

Mr. STAFFORD. I assume on reading the bill further that there is nothing mandatory on the Attorney General to supplant the present physicians, and will probably make the Public Health Service physicians supervisory over them?

Mr. LAGUARDIA. They could be acting assistant surgeons under those in the Public Health Service. The Public Health Service has physicians now in the Immigration Service and in the seamen's hospitals. I suppose these assistant surgeons will be assigned in that way.

Mr. GRAHAM. Yes. Mr. Speaker, I call for the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote whereby the bill was passed was laid on the table.

INDEPENDENT EXECUTIVE OFFICES APPROPRIATION BILL

Mr. WASON. Mr. Speaker, by direction of the Committee on Appropriations, I submit the bill (H. R. 9546), with accompanying report (Rept. No. 612), making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1931, and for other purposes.

The SPEAKER. Ordered printed and referred to the Union Calendar.

Mr. BYRNS. Mr. Speaker, I reserve all points of order on the bill.

DESECRATION OF THE FLAG AND INSIGNIA OF THE UNITED STATES

Mr. GRAHAM. Mr. Speaker, I call up the bill H. R. 742 on the House Calendar.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

H. R. 742

A bill to prevent desecration of the flag and insignia of the United States and to provide punishment therefor

Be it enacted, etc., That any person or persons, firm or firms, corporation or corporations, or other organization or organizations, who, in any manner, for exhibition or display, place or cause to be placed upon the flag, colors, ensign, standard, coat of arms, or other insignia of the United States, or upon any intended representation thereof, any inscription, picture, design, device, symbol, name, advertisement, words, marks, notice, or token, or who shall possess, distribute, display, or exhibit, or cause to be distributed, displayed, or exhibited any flag, color, ensign, standard, coat of arms, or other insignia of the United States, upon which shall in any manner be placed, attached, annexed, affixed, associated, or made a part thereof, any inscription, picture, design, device, symbol, name, advertisements, words, marks, notice, or token whatever, or who willfully and publicly show open or hostile contempt for, trample upon, or otherwise deface or defile any such flag, color, ensign, standard, coat of arms, or other insignia of the United States, shall upon conviction be fined not less than $100, or imprisoned for not more than six months, or both, for each such offense: *Provided*, That flags, colors, ensigns, standards, coat of arms, or other insignia the property of or used in the service of the United States or any State or Territory, or the District of Columbia, may have placed thereon such inscriptions, names of actions, words, figures, marks, or symbols as are authorized by law or by the rules and regulations of the United States Government or any department or division thereof.

SEC. 2. That the words "flag," "colors," "coat of arms," or "insignia" used herein include also any picture or representation or simulation of the same.

SEC. 3. That this act shall not apply to the use, wholly disconnected from trade advertising, of the flag, colors, coat of arms, or other insignia of the United States on newspapers, books, cards, certificates, commissions, decorations, banners, pictures, stationery for correspondence, or in or on any other article or in any position where its use is purely and obviously for ornamental or patriotic purposes.

SEC. 4. That this act shall go into effect upon its passage and publication, except as to goods which shall have been made and marked and in stock at that time, and as to such goods it shall be in force six months after its passage and publication.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. REID of Illinois. Mr. Speaker, I have an amendment that I wish to offer to the bill.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. GRAHAM. What is the gentleman's amendment?

Mr. REID of Illinois. To strike out the word "annexed." And I would like to take about two minutes to show why the bill will not do what it is intended to do.

The SPEAKER. The Chair desires to state that the parliamentary situation is this: The business in order to-day is Calendar Wednesday business. The gentleman from Pennsylvania [Mr. GRAHAM] is entitled to one hour. If he yields the floor, he will yield it entirely except as he reserves it.

Mr. GRAHAM. I will yield five minutes to the gentleman from Illinois for debate.

Mr. REID of Illinois. Mr. Speaker and Members of the House, I am in favor of this bill, but I think the wording goes too far. Under the wording of the bill it will prohibit the making of calendars and other trade things which in my opinion are very important for the use of this country. Under the wording of the bill it says that when the flag is attached to any trade advertisement its use is prohibited. Here is an advertisement [exhibiting] with a shield underneath. It is not a part of shield, and yet it might be assumed by some to be an imitation of the shield of the United States. The merchants in a town can put out pictures illustrating the making of the flag. There is no objection to John Jones advertising his store.

That does not tend to degrade the flag or degrade the United States or insignia. Of course, in those cases the flag is used with the name of the firm, and in that way we learn about the flag from the advertisement. You all recognize the fact that we learned more about the flag than we otherwise would know from calendars and almanacs hung up in the old times in the stores and schools than by any other means. These calendars are made in Joliet, in my district.

Mr. STAFFORD. Mr. Speaker, will the gentleman explain the details of the amendment?

Mr. REID of Illinois. Just strike out the words "placed, attached, annexed, affixed, associated, or made a part thereof."

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. WAINWRIGHT. Mr. Speaker and Members of the House, this amendment is entirely unnecessary. I thought my friend from Illinois had agreed with me that this bill will not apply to any such articles as he has exhibited to-day. It is not the intention of the bill to in any way interfere with the use of the flag for ornamental or patriotic purposes, but to prohibit the use of it in a way that offends the sense of the American citizen, namely, its misuse for advertising purposes.

It should be obvious to anyone who looks upon the article which the gentleman has exhibited here to-day that such use of the flag would be for ornamental and patriotic purposes, and, therefore, would come under section 3 of the bill, which I will read to the House:

> That this act shall not apply to the use, wholly disconnected from trade advertising, of the flag, colors, coat of arms, or other insignia of the United States on newspapers, books, cards, certificates, commissions, decorations, banners, pictures, stationery for correspondence, or

in or on any other article, or in any position where its use is purely and obviously for ornamental or patriotic purposes.

It does not seem to me that the constituents of the gentlemen, who seem to be concerned about this subject, need have any fears whatever. The amendment proposed by the gentleman from Illinois is totally unnecessary.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. LAGUARDIA. I will say to the gentleman from Illinois that under the State law of New York that would not be permitted if it is used in connection with an advertisement. That is the State law.

Mr. REID of Illinois. And that is what I understood this was to prohibit.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. GRAHAM. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. STAFFORD. If the gentleman will permit, I think the construction placed upon the act by the author is rather a strained construction. I think that under the wording of section 3—and that is the section which applies—that character of advertising would be forbidden, because the bill provides:

That this act shall not apply to the use, wholly disconnected from trade advertising.

And this is connected with trade advertising.

Mr. WAINWRIGHT. If the gentleman will yield, the distinction I draw is this, that that in itself is not a trade advertisement, but is essentially an ornamental and patriotic article.

Mr. O'CONNELL of New York. It is an advertisement put out in a very attractive fashion, but it is an advertisement just the same.

Mr. WAINWRIGHT. Well, the distinction I would make would be that it was a patriotic and ornamental article——

Mr. O'CONNELL of New York. It is.

Mr. WAINWRIGHT. Rather than an advertisement; therefore it would not come within the provisions of this bill. I urge very strongly upon the membership of the House that such an amendment to the bill is entirely unnecessary.

Mr. REID of Illinois. Of course, the only objection I have is that the names of Senators appear on this, but the names of Congressmen do not. I will call the attention of the makers of this to that fact, because I think the youth of America should be familiar with the names of the Members of the House as well as the Members of the Senate. I think we should try to give the young men of the country the names of Members of the House as well as the names of Cabinet officers and their departments.

Mr. SNELL. Will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. SNELL. Is not that the kind of a calendar a feed company or a coal company in any small town would use and put out in connection with advertisements? It is purely advertising, is it not?

Mr. REID of Illinois. It is advertising in one sense.

Mr. SNELL. And they put it out for just that purpose.

Mr. REID of Illinois. Certainly. It would be used to advertise, for instance, the John Jones Coal Co.

Mr. STAFFORD. What is the amendment proposed by the gentleman?

Mr. REID of Illinois. To strike out the words, in line 3, "placed, attached, annexed, affixed, associated, or," and make it "in any manner be made a part thereof."

Mr. STAFFORD. Will the gentleman kindly indicate that again?

Mr. REID of Illinois. So it will read "in any manner be made a part thereof," taking out the words "placed, attached, annexed, affixed, associated, or." That certainly would not take out the idea the gentleman from New York [Mr. WAINWRIGHT] has.

Mr. GRAHAM. Has the gentleman the amendment in writing?

Mr. REID of Illinois. I have. Mr. Speaker, I ask unanimous consent to have the amendment read for information.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the amendment may be read for information. Is there objection?

There was no objection.

The Clerk read as follows:

Amendment proposed by Mr. REID of Illinois: On page 2, line 3, after the word "be," strike out the words "placed, attached, annexed, affixed, associated, or."

Mr. REID of Illinois. That confines the law to the desecration of the flag and would permit the use of the flag for illustration purposes.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that this amendment may be inserted in the bill.

The SPEAKER. If the gentleman from Pennsylvania is not opposed to the amendment, and he having control of the floor, the proper procedure would be for the gentleman from Pennsylvania to offer the amendment himself.

Mr. GRAHAM. Mr. Speaker, I offer that amendment.

The SPEAKER. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM: Page 2, line 3, after the word "be" strike out the words "placed, attached, annexed, affixed, associated, or."

Mr. LAGUARDIA. Mr. Speaker, I desire recognition in opposition to the amendment.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from New York?

Mr. GRAHAM. Mr. Speaker, I yield three minutes to the gentleman from New York.

Mr. LAGUARDIA. Now, gentlemen, if you want to pass this bill, pass it, but if you want to destroy the purpose of the bill by adopting the pending amendment what is the use of going through the motion of passing the bill and encumbering the statute books? The purpose of this bill is to avoid the use of the flag for advertising purposes, and the minute you attach, affix, and connect your flag with the John Jones Hay & Feed Co. or the Standard Sanitary Supply Co., you are defeating the purpose of the bill. [Applause.] Let us be perfectly frank about it. We have a law in New York which specifically prohibits the use of the flag for advertising purposes. We took this matter up in the committee and we went very thoroughly into it. I will say to the gentleman from Illinois that the bill seeks to stop the use of the flag in the manner indicated by him, and if this amendment is adopted I, for one, shall vote against the passage of the bill, because there is not any other desecration of the flag in this country except for advertising purposes.

Mr. REID of Illinois. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. REID of Illinois. The gentleman from New York [Mr. WAINWRIGHT] says it does not apply and he is the author of the bill.

Mr. DYER. I think the gentleman from New York [Mr. WAINWRIGHT] is mistaken. It will do exactly what the gentleman contends. It will permit the flag to be used for advertising purposes.

Mr. LAGUARDIA. Then the gentleman agrees with me?

Mr. DYER. Absolutely.

Mr. LAGUARDIA. Of course. I will say to the gentleman, we have had a similar statute in New York for several years and all the cases we had in the early days of the enactment of the statute were advertising cases. We have no trouble now. So if this amendment is adopted, vote down the bill because the very purpose of your bill is defeated.

Mr. GRAHAM. Mr. Speaker, in offering this amendment I am not to be considered as sponsoring or desiring it to be passed. I wish only to submit it to the House for their judgment. If they choose to adopt the amendment, all right; if not, they will defeat it by voting against it.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. GRAHAM. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the bill was laid on the table.

Mr. WAINWRIGHT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks upon the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WAINWRIGHT. Mr. Speaker, the consideration of a bill of this importance should not pass without at least a brief statement of its purpose. As its title indicates, it proposes to provide a Federal statute for the punishment of insult to the flag of the United States, and for the use, or rather misuse, of that flag for advertising purposes. An identical bill passed the House in the last Congress. Thus far, though 47 States have enacted flag desecration laws, Congress has failed to enact

legislation for the protection of the emblem of the national sovereignty except as I shall hereafter relate. As our Supreme Court has declared, it is primarily within the province, if not the duty, of the Federal Government to guard and protect the emblem of our national sovereignty from desecration. As the flag was adopted by an act of Congress, it should be protected throughout the Union by an act of Congress.

During the late war provision was made for the punishment, when the Nation was at war, of persons who uttered disloyal language concerning the flag, or language intended to bring the flag into contempt or disrespect. But the operation of that statute ceased with the end of the war. Such a statute is equally appropriate, as resort to it may be equally necessary, in time of peace as in time of war. There is, indeed, a Federal statute to punish the improper use of the flag in the District of Columbia, but no Federal statute to resort to outside of the District.

The question has been raised as to whether the adoption of a Federal statute would supersede the State laws already in force. This question was, I believe, seriously and carefully considered by the distinguished lawyers upon the Judiciary Committee, the majority of whom arrived at the conclusion that it would necessarily have no such effect, but that a concurrent jurisdiction might well exist to the manifest advantage of the object in view. If it be asked why a Federal law is necessary, in view of the willingness of the States to protect the national emblem within their own borders by their own laws, I would say that apart from the expediency and propriety, a Federal statute may well at some time and in some place prove vitally necessary, where, for any reason, the State statute has become inoperative or is not enforced. I refrain, Mr. Speaker, from reverting to or enlarging upon the obvious sentimental considerations involved in the discussion of this measure, and conclude these brief remarks with the expression of the fervent hope that this bill may be enacted into law at this session, in order that the Nation may at last be provided with a national flag desecration law.

HOLDING OF FEDERAL COURT IN NORTH DAKOTA

Mr. GRAHAM. Mr. Speaker, I call up the bill (H. R. 185) to amend section 180, title 28, United States Code, as amended.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 99 of the act to codify, revise, and amend the laws relating to the judiciary, as amended by the act of April 10, 1926 (sec. 180, title 28, U. S. C.), be amended to read as follows:

"SEC. 99. That the State of North Dakota shall constitute one judicial district, to be known as the district of North Dakota. The territory embraced on the 1st day of January, 1916, in the counties of Burleigh, Logan, McIntosh, Emmons, Kidder, McLean, Adams, Bowman, Dunn, Hettinger, Morton, Stark, Golden Valley, Slope, Sioux, Oliver, Mercer, and Billings shall constitute the southwestern division of said district; and the territory embraced on the date last mentioned in the counties of Cass, Richmond, Barnes, Sargent, Ransom, and Steele shall constitute the southeastern division; and the territory embraced on the date last mentioned in the counties of Grand Forks, Traill, Walsh, Pembina, Cavalier, and Nelson shall constitute the northeastern division; and the territory embraced on the date last mentioned in the counties of Ramsey, Benson, Towner, Rolette, Bottineau, Pierce, and McHenry shall constitute the northwestern division; and the territory embraced on the date last mentioned in the counties of Ward, Williams, Divide, Mountrail, Burke, Renville, and McKenzie shall constitute the western division; and the territory embraced on the date last mentioned in the counties of Griggs, Foster, Eddy, Wells, Sheridan, Stutsman, La Moure, and Dickey shall constitute the central division. The several Indian reservations and parts thereof within said State shall constitute a part of the several divisions within which they are respectively situated. Terms of the district court for the southwestern division shall be held at Bismarck on the first Tuesday in March; for the southeastern division, at Fargo, on the first Tuesday in December; for the northeastern division, at Grand Forks, on the second Tuesday in November; for the northwestern division, at Devils Lake, on the first Tuesday in October; for the western division, at Minot, on the third Tuesday in October; and for the central division, at Jamestown, on the last Tuesday in February. The clerk of the court shall maintain an office in charge of himself or a deputy at each place at which court is held in his district: *Provided*, That until such time as a new public building be erected at the city of Fargo, all cases now pending in the southeastern division, or hereafter brought there, be tried at Grand Forks."

With the following committee amendment:

Page 3, line 8, after the word "all," insert the word "jury."

The committee amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNITED STATES DISTRICT COURT AT LAS VEGAS, NEV.

Mr. GRAHAM. Mr. Speaker, I call up the bill (H. R. 7643) to establish a term of the District Court of the United States for the District of Nevada at Las Vegas, Nev.

The Clerk read the bill, as follows:

Be it enacted, etc., That the second sentence of section 94 of the Judicial Code, as amended (U. S. C., title 28, sec. 174), is amended to read as follows: "Terms of the district court shall be held at Carson City on the first Mondays in February, May, and October, and at Las Vegas on the first Mondays in March."

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill for amendment.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to amend the bill by striking out the word "Mondays" and inserting the word "Monday."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk reported the following committee amendment:

In line 8, strike out the words "and September."

The committee amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL STOLEN PROPERTY LAW

Mr. GRAHAM. Mr. Speaker, I call up the bill (H. R. 119) to prohibit the sending and receipt of stolen property through interstate and foreign commerce.

The Clerk read the bill, as follows:

H. R. 119

A bill to prohibit the sending and receipt of stolen property through interstate and foreign commerce

Be it enacted, etc., That this act may be cited as the "national stolen property law."

SEC. 2. Whoever shall send or transport, or attempt to send or transport, or cause to be sent or transported, from one State or Territory of the United States or the District of Columbia, to or into any other State or Territory of the United States or the District of Columbia, or from the United States into any foreign country, or from any foreign country into the United States, any property or thing of value, theretofore stolen or taken feloniously by fraud or with intent to steal or purloin, knowing the same to have been so stolen or taken, or whoever, not being a common carrier, shall so send or transport, or attempt to send or transport, or cause to be sent or transported, any such property or thing of value under such circumstances as should put him upon inquiry whether the same had been so stolen or taken, without making reasonable inquiry in good faith to ascertain the fact, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 10 years, or both.

SEC. 3. Whoever shall buy, receive, possess, conceal, sell, or dispose of any property or thing of value, which is moving as, or which is part of, or which constitutes, interstate or foreign commerce, or commerce between the District of Columbia and some State or foreign nation, and which theretofore or while so moving or constituting such part, had been stolen or taken feloniously by fraud or with intent to steal or purloin, knowing the same to have been so stolen or taken, or whoever shall buy, receive, possess, conceal, sell, or dispose of any such property or thing of value under such circumstances as should put him upon inquiry whether the same had been so stolen or taken, without making reasonable inquiry in good faith to ascertain the fact, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 10 years, or both.

SEC. 4. Prosecution for an offense under this act may be conducted in any district in or through which the property or thing of value has been transported or in which any of the acts hereby forbidden may have occurred.

SEC. 5. The provisions of this act shall not apply in cases where the property or thing of value is a negotiable instrument and has been dealt with or acquired under conditions which would constitute a person so dealing therewith or acquiring a holder in due course as defined in the negotiable instrument act or law of the State where such property is dealt with or acquired.

SEC. 6. Nothing in this act contained shall affect any law of any State or the right of prosecution thereunder. A judgment of conviction or acquittal on the merits under the law of any State shall be a bar to any prosecution hereunder for the same act or offense.

SEC. 7. This act shall take effect immediately.

Mr. RAMSEYER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAMSEYER. I rise to ask the gentleman from Pennsylvania a question as to the length of time for debate we shall have on this bill. This bill is sweeping and limitless in its provisions. I think there should be full debate. It ought to be thoroughly explained, and gentlemen who want to oppose the bill should have full opportunity to be heard.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Iowa?

Mr. GRAHAM. For a question.

Mr. RAMSEYER. I do not know how many gentlemen are opposed to the bill, but I shall oppose it in this form.

Mr. GRAHAM. I will yield to the gentleman five minutes.

Mr. RAMSEYER. Five minutes is nothing; it will take a half hour to get started. Here is a bill that the committee has not sent to the Department of Justice for consideration and to obtain the views of that department; a similar bill that formerly was referred to the Committee on Interstate and Foreign Commerce was referred by that committee to the Department of Justice, and that department disapproved the bill and gave very forceful reasons why such a bill ought not to be enacted into law. The present Department of Justice has not had it.

Mr. GRAHAM. Is the gentleman proceeding under the five minutes I yielded to him?

Mr. RAMSEYER. No; I am not.

Mr. GRAHAM. I will yield the gentleman 20 minutes.

Mr. RAMSEYER. That is to start with. Are you going to have some one discuss the reasons for the bill?

Mr. GRAHAM. We will take care of that.

Mr. RAMSEYER. Very well, I will take the 20 minutes.

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry. This bill is of very far-reaching importance; would not the gentleman from Pennsylvania, in view of the character of this bill, agree to consider the bill in Committee of the Whole, so that we may have ample opportunity to consider and offer amendments to it without getting permission of the gentleman from Pennsylvania?

Mr. RAMSEYER. A bill of this importance ought to be so considered.

Mr. GRAHAM. As a matter of fact, I will say to the gentleman, the bill is not a new bill; it was up in the last Congress and passed the House.

Mr. RAMSEYER. I can not help that.

Mr. GRAHAM. I know the gentleman can not; but I am telling the gentleman that it is not sought to be put through surreptitiously or expeditiously. It was considered and public hearings were had on it when it was House bill 10287, and here are the public hearings, quite extensive.

Mr. RAMSEYER. I have read them.

Mr. GRAHAM. The bill was considered in the subcommittee, of which the gentleman from Michigan [Mr. MICHENER] was chairman. I do not want any bill passed without full consideration. I will ask the gentleman from New York [Mr. LAGUARDIA], the author of the bill, to explain it, and yield him 10 minutes.

Mr. BANKHEAD. A parliamentary inquiry. How is this bill being considered?

The SPEAKER. It is on the House Calendar and is considered under the rules of the House.

Mr. BANKHEAD. Then we are at the mercy of the gentleman from Pennsylvania.

Mr. SNELL. As I understand it, Mr. Speaker, the gentleman from Pennsylvania has an hour and he can yield such time as he sees fit and move the previous question when he sees fit.

The SPEAKER. That is correct.

Mr. RAMSEYER. Will the gentleman yield for this suggestion? Why not agree to an extension of time to two hours, let some one opposed to the bill have one hour for debate only. Then when you come to the amendments and moving the previous question the gentleman from Pennsylvania will not lose any of his rights.

Mr. MOORE of Virginia. Ask unanimous consent that that may be done.

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent that the time for debate on this bill be fixed at not exceeding two hours, one-half of that time to be given to those opposed to the bill and one-half to the proponents of the bill, for the purpose of debate only.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the time for debate be extended one hour, one-half to be controlled by the gentleman from Pennsylvania in his own time, and the other half by the gentleman from Iowa, reserving to the gentleman from Pennsylvania the right to move the previous question. Is there objection?

Mr. KETCHAM. Mr. Speaker, reserving the right to object, I have no disposition to prevent a thoroughgoing discussion of this important measure, for I understand and believe that later in the day the consideration and possibly the final vote on a bill in which we are all interested is to come up. I hesitate to do anything that would prejudice the final conclusion of that matter. I want to understand whether or not at the conclusion of the two hours of debate this matter will be finally disposed of, or whether some more postponements or additional debate will be required or asked for.

Mr. DYER. Mr. Speaker, this is Calendar Wednesday, and the day belongs to the committee if we desire to use it.

Mr. RAMSEYER. Of course, the oleo bill, if it is not reached to-day, will be taken up in the morning.

Mr. KETCHAM. But under the procedure planned, I want to be assured that that will be the case. Do I so understand?

Mr. RAMSEYER. I think the majority leader will so assure the gentleman.

Mr. TILSON. The oleomargarine bill is the unfinished business and would naturally take precedence to-morrow, though, of course, that is a matter which can be determined by the House.

Mr. KETCHAM. In case it is not reached to-day.

Mr. TILSON. It is hoped that it may be finished to-day after the Committee on the Judiciary has finished with the bills to be called up by that committee.

Mr. KETCHAM. I understood that an agreement had been reached that no other matter would occupy the attention of the House; but upon the information that the oleo bill is the unfinished business, unless displaced by a vote of the House, I shall not object.

Mr. TILSON. That would be the normal order.

The SPEAKER. Is there objection?

Mr. GRAHAM. Mr. Speaker, reserving the right to object, I do not want to agree to two hours. I will agree to an hour and a half, to be divided as the gentleman from Iowa suggests. I want time to consider the other bill, which is in the hands of the committee and ready for presentation to the House to-day. I do not want anything to interfere, to carry it over.

Mr. RAMSEYER. Why not call up the other bills first if the gentleman thinks this might crowd them out and dispose of them. The gentleman will agree that this is a sweeping measure, far-reaching in its effects, and the House should have ample opportunity to consider it fully.

Mr. LAGUARDIA. It has been before the House for a long time.

Mr. RAMSEYER. But we have 80 new Members who never heard of it and 200 old ones who never gave it any thought.

Mr. MOORE of Virginia. Does the gentleman from Pennsylvania anticipate that the other bill to which he refers is going to excite discussion?

Mr. GRAHAM. I do.

Mr. MOORE of Virginia. I understand it is a simple measure.

Mr. GRAHAM. But I understand there are those who are converting it into an intricate measure.

The SPEAKER. Is there objection?

Mr. GRAHAM. Mr. Speaker, I object.

Mr. RAMSEYER. Make it an hour and a half.

Mr. GRAHAM. I agree to that.

The SPEAKER. The difficulty about that is that the gentleman from Pennsylvania is entitled to the remainder of his hour, and he has now consumed 10 minutes.

Mr. GRAHAM. An hour and a half to be equally divided between the gentleman from Iowa and myself from now on.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the time for debate upon this bill be fixed at one hour and a half, one half to be controlled by the gentleman from Pennsylvania and the other half by the gentleman from Iowa, the gentleman from Pennsylvania reserving at all time his right to move the previous question. Is there objection?

Mr. DICKSTEIN. Mr. Speaker, reserving the right to object, after the hour and a half is this bill to be subject to amendment?

Mr. GRAHAM. I propose to move the previous question at the close of the hour and a half.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAMSEYER. Mr. Speaker, if agreeable to the gentleman from Pennsylvania, I now yield five minutes to the gentleman from Arkansas [Mr. WINGO] in opposition to the bill.

Mr. WINGO. Mr. Speaker, I have great respect for the Committee on the Judiciary, and I hesitate to oppose any report that that committee makes, but the far-reaching effect of this bill

impels me to enter my protest, which, of course, will be futile, against its passage. No bill has been introduced in Congress since I have been here which I think is as far-reaching as this in its effects not only upon the philosophy underlying our judicial system in this country but upon collateral questions. If I were a wet and also wanted the courts to break down with prohibition cases, I would try to pile some more business on them, as this bill will, involving petty larceny cases, so that the courts would be swamped.

Mr. LAGUARDIA. Oh, Mr. Speaker, that is not a fair statement. The gentleman is too fair a debater to say that.

Mr. WINGO. The gentleman misunderstood me. I said if I were a wet and wanted to do this. I did not say that the gentleman wanted to do it. I said if I were a wet and wanted to load them down with business. I think that is a fair argument.

Mr. LAGUARDIA. If the gentleman will look at the sponsors of this bill I think he would not say that.

Mr. WINGO. Oh, it has some very fine sponsors that I am fond of personally. I have no personal criticism to make of anyone, and I am most unfortunate if I have expressed myself in such a way that anyone thinks there is any personal reflection in my remarks. Some of the loveliest characters in this House believe in this bill and are sponsoring it, and some of the finest characters and ablest lawyers in the United States are sponsoring it. What do you do? You do just what I predicted you would do when you passed the Dyer automobile bill. I said then that you would bring in here a bill some time that would give the Federal courts jurisdiction of petty-larceny cases, and this will do it. One reason why prohibition is not better enforced, as it might be, is because of the congestion of the court docket. If I were defending bootleggers and rum runners and wanted to delay the business of the Federal courts, I would do it by piling up more and more business upon them. I challenge any lawyer in this House to deny this. Under this bill if a boy steals an apple in Union Station and gets on one of these commutation trains going to Rockville, Md., and does not finish eating the apple before he gets across the Maryland line he can be haled into the Federal court on a charge of petty larceny.

That is what he would be guilty of—petty larceny—though, of course, you would give a bigger name to the newly created Federal offense.

I love the courts of this Nation. They are the bulwarks of our liberties. I was delighted yesterday when upon the resignation of the great and much-loved Chief Justice the President without hesitation selected the one outstanding lawyer of the United States to fill the position. [Applause.] I do not always agree with the Attorney General, but he is a great lawyer of high character, and he has a great problem, and the President has a great problem, to relieve the congestion in the courts. I beg you not to further burden the Federal judge and make him the presiding officer of a police court, and have him try a petty larceny case merely because stolen property happens to be taken across a State line. Have our State courts fallen down, so that they can not function and try cases of petty larceny, as well as cases of grand larceny. I challenge you to name a State that fails to prosecute larceny cases. If you have any desire to protect the Federal courts, think of our free institutions and our liberties, and do not further hamper and overload the Federal courts. Trust the police courts of your cities and the judges of your State courts. I know of judges of the circuit courts of my State who are enforcing the larceny laws as prescribed under this bill.

Mr. ELLIS. I was just going to remark that it is not only an expression of distrust of our police courts but distrust of all our trial courts, the courts of unlimited jurisdiction in all our States.

Mr. WINGO. Yes. I have State judges in my district who are as able as any Federal judge ever was, and they are enforcing the laws in cases covered by this bill. [Applause.]

Mr. GRAHAM. Mr. Speaker, I just want to take five minutes in which to make a short statement. This bill was before us in the last Congress—the Seventieth Congress. We had full hearings on it. It was in the hands of a subcommittee headed by our colleague and good friend from Michigan [Mr. MICHENER] who is always careful and watchful of the rights of everybody. He reported it out of committee with a unanimous report.

To show that this is not a measure jumped at hastily, I want to call your attention to the latter part of the report. I read:

Mr. M. O. Garner, general counsel of the National Surety Co., representing the Surety Association of America, said:

"We are squarely behind any measure which will make it simpler and easier to apprehend both the person stealing and the person receiving the goods, and I just came here to lend my support to that principle."

Mr. S. C. Meade, representing the Merchants' Association of New York, said:

"We come before you this morning for the purpose of commending to your favorable consideration a measure of the sort which is before you."

The following persons appeared before the committee at the hearings, indorsing the bill:

Hon. Newton D. Baker, acting chairman National Crime Commission.

Mr. J. Weston Allen, American Bar Association and National Crime Commission.

Hon. William Green, president American Federation of Labor.

Maj. Richard Sylvester, honorary president International Association of Police Chiefs.

Mr. Lewis Hahn, manager-director National Retail Dry Goods Association.

Mr. Alfred P. Thom, jr., Association of Railway Executives and American Railway Association.

Mr. John Nicholson, United States Shipping Board.

Mr. James E. Baum, American Bankers' Association.

Mr. Thomas B. Paton, American Bankers' Association.

Mr. Albert A. Clune, Silk Association of America.

Mr. Maxwell S. Mattuck, National Association of Credit Men.

Mr. M. O. Garner, National Surety Co.

Mr. James H. Noyes, Jewelers' Security Alliance of the United States.

Mr. S. C. Meade, Merchants' Association of New York.

Mr. Justin Miller, dean, Law School, University of Southern California—

And others.

The bill was considered carefully and fairly by the subcommittee, and its report was adopted without objection in the main committee, and it is now before the House for action. The illustration of the apple in the case of a boy taking a bite in one State and finishing it in another is de minimus non curat lex. [Applause.]

Mr. RAMSEYER. Mr. Speaker, I would like to have the attention of the Members of the House in order to get before them the scope of this piece of proposed legislation.

The gentleman who preceded me [Mr. GRAHAM] read a whole list of names of people who indorsed this bill. We have got to pass this bill upon our own responsibility. I do not know how much further we are going in creating crimes and overfilling our penitentiaries. I think sometimes we ought to figure out just what percentage of the population we ought to have in our penal institutions in order to maintain a healthy social condition, build our penal institutions accordingly, and then proceed to legislate to fill them up to capacity.

Everyone knows that at the present time the Federal penal institutions are filled to more than their capacity. Some of them have twice as many inmates as they were built for. Legislative acts in the last few years have tended to increase our prison population; and our prisons are filled up far beyond capacity, and the prisoners are cared for in a way that is a disgrace to our country.

The foremost acts that have tended to fill up our Federal penal institutions are the Volstead Act, the Harrison Act, the Mann Act, and the Dyer Act. The gentleman from Missouri [Mr. DYER] stood up here the other day and said that unless the courts exercised more humanity in sentencing young boys to these institutions for violation of the Dyer Act he would introduce a bill to repeal that act.

Mr. MOORE of Virginia. What act is that?

Mr. RAMSEYER. That act, the Dyer Act, makes it a crime to transport a stolen automobile over a State line.

Now we come here to another act, the LaGuardia Act, which does not distinguish between petty larceny and grand larceny. Any such stolen property carried across a State line subjects the person committing the offense to trial in a Federal court. Whether the value of the property is a dollar or a million dollars does not make any difference.

It appears from the report accompanying this bill that what the committee is trying to get at is some kind of a person or aggregation known as the "fence." I do not know exactly what that is, unless it is a person who makes it a business of receiving stolen goods, hoarding them, and disposing of them. If the Judiciary Committee will draw up a bill limiting the crime to what is known as the "fence," there might be some justification for the consideration by Congress of a bill along that line.

Some of us live close to State lines. I live within 10 miles of the Missouri line. On the Mississippi River we have the tri-cities—Davenport, Rock Island, and Moline—and they are in two States. A little farther up the Mississippi River are two large cities having more population than the tri-cities, known

as the twin cities, but in the same State. If stolen property were carried from St. Paul to Minneapolis the offender would have to be tried under the State law, but if an offense was committed in Rock Island by the stealing of property worth a nickel or $1,000 and the property were carried into Davenport, the offender could and probably would be tried in the Federal court.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. COCHRAN of Missouri. Am I correct in assuming that if a man stole a $10 watch in St. Louis, Mo., and took it across the river, which takes five minutes, to East St. Louis, Ill., that under the terms of this bill, if the judge so desired, he could send the offender to jail for 10 years?

Mr. RAMSEYER. Yes; a $10,000 fine or 10 years in prison, or both. The gentleman from New York [Mr. LAGUARDIA], the author of this bill, I see, has gone the famous 5-and-10 law one better. This is a 10-and-10 law.

This LaGuardia bill when first introduced was sent to the Committee on Interstate and Foreign Commerce. At that time the penalty was five years and $5,000; but when it was rereferred from the Committee on Interstate and Foreign Commerce to the Judiciary Committee, for some reason the author of the bill—or the committee, if it was considered by the committee—doubled the penalty in both instances.

There are some figures contained in the report. I do not know where they got the figures, but the report says that—

> The operations of the "fence" cost the community an enormous amount—a survey of the authorities places the estimate conservatively at $500,000,000 annually.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. LAGUARDIA. The gentleman wants to know where those figures came from. They were compiled by insurance companies, by bankruptcy courts, and by the police association.

Mr. RAMSEYER. Understand me, if you can frame a bill limited to the so-called "fence," that should be carefully considered.

Mr. LAGUARDIA. That is the purpose of this bill.

Mr. RAMSEYER. But the bill is not limited to the "fence." What you are trying to do here is to bring all larceny, burglary, and receiving stolen goods cases from the State courts to the Federal courts whenever the goods have been carried across a State line. Another thing I want to call your attention to is the consideration given by the committee—or, rather, the lack of consideration. About 10 days ago, when my attention was called to this bill, I called up the Department of Justice, the Attorney General's office, to find out what his views were on this bill. I know it is the practice of every committee I have been on to ask for the views of the department affected by a bill. That was true when I was a member of the Post Office Committee.

When bills were referred to that committee they were sent to the Post Office Department for the opinion and views of that department. I am now a member of the Ways and Means Committee. Bills that come before us there are usually referred to the Treasury Department for the opinion and views of that department. When I was a member of the Rules Committee we had bills before us that affected various departments. If the committee that was urging a rule for the consideration of a certain bill had not consulted the department affected, then the Rules Committee itself often consulted the department in order to ascertain the attitude of the department on that particular bill. I do not know what the practice of the Judiciary Committee is. Its members probably do not need the advice of any department and especially not the advice of the Department of Justice, which is more directly affected by the bills coming before that committee than any other department. About 10 days ago I was told that the Judiciary Committee had never referred this bill to the Department of Justice for its views. A few days later I discovered this bill had been before the Committee on Interstate and Foreign Commerce and then by searching diligently I discovered that that committee had referred the bill to the Department of Justice for its views. I have here before me a carbon copy of a letter from former Attorney General Sargent expressing the then attitude of the Department of Justice toward this bill, and I am going to read it to you. I was told, when I was communicating with the Department of Justice, that the Senate Judiciary Committee had a similar bill, and that that bill would be referred to the Department of Justice and that the present Attorney General in the near future will give his views on it. This morning I called up the Judiciary Committee of the Senate and was advised that they had sent the bill to the Department of Justice but that the Department of Justice had not yet reported its views.

Now, understand what I am about to read are carbon copies of a letter that came from the Department of Justice about two years ago. The present Attorney General has not expressed himself on this bill. What is here presented expresses the views of the Department of Justice under Attorney General Sargent. This letter is addressed to Hon. JAMES S. PARKER, chairman of the Committee on Interstate and Foreign Commerce, and it says:

FEBRUARY 17, 1928.

Hon. JAMES S. PARKER,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: I have the honor to refer further to your letter of December 6, inclosing H. R. 96, a bill "To prohibit the transportation, sale, and reception of stolen property in interstate and foreign commerce," and to inclose herewith copies of office memoranda relative thereto.

There is also inclosed a copy of a letter from the Director of the Bureau of the Budget, in which it is stated that the legislation proposed in this bill is in conflict with the financial program of the President.

Respectfully,

JOHN G. SARGENT, *Attorney General.*

Here is the letter from the Bureau of the Budget:

BUREAU OF THE BUDGET,
Washington, February 16, 1928.

MY DEAR MR. ATTORNEY GENERAL: I have from Assistant Attorney General Marshall a letter dated January 18, 1928, submitting in compliance with Bureau of the Budget Circular No. 49 a copy of H. R. 96 entitled "A bill to prohibit the transportation, sale, and reception of stolen property in interstate and foreign commerce," and stating that it is proposed to recommend to Congress favorable consideration of this legislation.

In reply I have to advise you that the legislation proposed in this bill is in conflict with the financial program of the President.

Sincerely yours,

H. M. LORD, *Director.*

The honorable the ATTORNEY GENERAL.

Mr. LAGUARDIA. That was not the same bill.

Mr. RAMSEYER. The gentleman from New York volunteers the information that this was not the same bill, but the purpose of this bill is identical with the purpose of the bill that was before the Committee on Interstate and Foreign Commerce. There is a little difference in phraseology—the difference is in phraseology only.

Mr. GRAHAM. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. GRAHAM. What is the number of the bill upon which the gentleman has these opinions?

Mr. RAMSEYER. It is H. R. 96, which was before the Committee on Interstate and Foreign Commerce, introduced December 5, 1927, and the purpose of the bill is identical with the bill that is now before us. Evidently the bill was rereferred from the Committee on Interstate and Foreign Commerce to the Judiciary Committee, to which I think it properly belongs.

Mr. GRAHAM. The bill in the Seventieth Congress was H. R. 10287.

Mr. RAMSEYER. They are the same bills, but numbered differently. Now, this is a memorandum from the Department of Justice, and I want the Members of the House to get this carefully, because this memorandum goes right to the heart of this bill. This memorandum was prepared by Mr. J. Edgar Hoover, Director of the Bureau of Investigation; but it is the memorandum which was inclosed by the Attorney General in his letter to the chairman of the Committee on Interstate and Foreign Commerce, and, therefore, had the approval of the Attorney General, Mr. Sargent:

DEPARTMENT OF JUSTICE,
BUREAU OF INVESTIGATION,
Washington, D. C., February 8, 1928.

Memorandum for Mr. Marshall.
(Attention: Mr. Baldwin.)

I beg to acknowledge the receipt of your memorandum of the 2d instant, inviting attention to H. R. 96, a bill to prohibit the transportation, sale, and reception of stolen property in interstate and foreign commerce.

I note that the only limitation placed upon the term "stolen property" is that the stolen property shall include anything of value wrongfully appropriated in such manner as to constitute larceny according to the United States Criminal Code (sec. 466, U. S. C. title 18). A reference to this section of the United States Code indicates that it is

all-embracing and places no limitation on the value of the property stolen, but does mete out a more severe punishment for the stealing of property valued at $50 or more. This means that any and all stolen property, whether valued at $1 or $1,000, if moved from one State to another, would be a proper subject for investigation and prosecution by the Federal Government.

There is no question about that. There is not a member of the Committee on the Judiciary who will dispute it.

This bill obviously is designed to reach the so-called "fence" who deals in stolen property removed from another State. The effect, however, of any legislation of this kind, it seems to me, would mean an immediate deluge of complaints of violations thereof, and would make a veritable police force of Federal investigating agents throughout the country. If the property of any person, such as a stickpin, watch, etc., were stolen by a pickpocket and found in another State, it would then be necessary for the Federal Government to step in and conduct an investigation and prosecution.

I realize that the proponents of this bill will say it is simply an extension of the national motor vehicle theft act, and that they will also refer to the act punishing the theft of property in interstate transit by common carriers as a similar law. If the proposed legislation were enacted and the jurisdiction for the investigation of violations of the same placed under this bureau, it would require a large number of special agents to properly enforce it.

Mr. LAGUARDIA. Will the gentleman yield there?

Mr. RAMSEYER. I wish to read this first, then I will yield.

Mr. MOORE of Virginia. Will the gentleman let me interrupt him to go back a moment to the similarity of the bill——

Mr. RAMSEYER. I will yield just as soon as I get through reading this letter.

Mr. MOORE of Virginia. I think the gentleman would like to have some information on that.

Mr. RAMSEYER. I continue with the views of the Department of Justice:

In the present wording of the bill there is no provision for placing investigative jurisdiction under any one particular bureau or department. Should the act be passed, I am convinced that the jurisdiction should be specifically placed. Furthermore, I believe that if the act should be passed there should be placed a limitation of not less than $1,000 on the value of property which, if stolen, would bring the same within the provisions of the bill.

It is not placed in the bill before you, either. Of course, you gentlemen on the Judiciary Committee never heard of the attitude of the Department of Justice before. Why you did not want it I do not know, but certainly what is coming here from the Department of Justice is worthy of the consideration of the Members of this House.

Now, all you fellows who have been inveighing against encroaching on State rights listen to this:

There is another angle which might be worthy of some consideration in connection with this matter. If the legislation were enacted it would seem that the Federal Government would be entering into a field of enforcement which should properly belong to the State governments. It would be a step toward centralization in the Federal Government of police power which has been the subject of much criticism by a number of the States.

Mr. GRAHAM. Will the gentleman yield?

Mr. RAMSEYER. I will yield to the chairman of the committee, although I am not quite through with the letter.

Mr. GRAHAM. I only wanted to call the gentleman's attention to the fact that the bill does not change or alter the jurisdiction of the States but gives a right to prosecute under the interstate commerce power of the Federal Government. Where a man steals in Philadelphia and sells the goods in San Francisco, he can be prosecuted there or wherever he takes it, and the State's jurisdiction still exists.

Mr. RAMSEYER. As the bill is, it makes no distinction between a theft of a nickel and a theft of $5,000,000.

As I stated before, and I repeat, if the gentlemen on the Judiciary Committee want to get rid of what is known as the "fence," then come before us with a bill properly drawn to reach the fence, and the fence only.

Mr. GRAHAM. How would the gentleman suggest doing that?

Mr. RAMSEYER. Well, I suggest that you gentlemen call upon the Department of Justice to help you out on a new bill. You might also consult the Wickersham crime commission.

Mr. GRAHAM. We do not need it, and we do not propose that any department shall simply rule the committee.

Mr. RAMSEYER. Exactly. I realize that the Judiciary Committee feels it has no need of advice from the Department of Justice or from anybody else.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. RAMSEYER. I will yield now; but I have not finished the letter.

Mr. LAGUARDIA. When the gentleman says we should get the fence only, the gentleman knows that the fence does not move; it is stable; it is in one State, and the only way we can get it is to bring it in under the interstate-commerce provision. That is what the fence is doing now, and that is why the fence can not be reached at this time.

Mr. RAMSEYER. Of course, you have got to bring it in under the interstate-commerce provision; but you do not have to have an act that is all embracing, which includes a boy who goes across the State line into Missouri from my county and steals a watermelon or a peck of apples, the same as a man who steals $10,000 or $20,000 worth of goods with the purpose of sending them to a place across a State line to be disposed of.

Now, here is the last paragraph of the letter:

If the legislation were enacted and provision made for the handling of this character of investigations by this bureau, every effort would be made to vigorously enforce the same. In connection with this matter it would be absolutely imperative that the appropriation for the Bureau of Investigation be materially increased in order to provide for the large number of agents which would be necessary to properly enforce this measure.

Respectfully,

J. EDGAR HOOVER, *Director.*

I submit this as the last-expressed attitude of the Department of Justice. I now yield to the gentleman from Virginia.

Mr. MOORE of Virginia. I would like to say to the gentleman that a while ago he stated the purpose of this bill is practically identical with the purpose of the bill (H. R. 96) introduced in the last Congress. There seems to be some misgiving indicated as to that; and then there was some point made as to who was the author of the bill (H. R. 96) which is criticized in the document which the gentleman has just read. It is interesting to find that the author of that bill is the author of the present bill, the distinguished gentleman from New York [Mr. LAGUARDIA].

Mr. RAMSEYER. Not only the same author but the purpose of the bill is identical.

The bill at that time was disapproved by the Department of Justice, and that department is going to express itself in the very near future to the Judiciary Committee of the Senate.

Now, this is a bill of sweeping and limitless provisions. I think it ought to have further consideration by the committee. If the Judiciary Committee can draw up a bill to limit its provisions to the "fence," and not include everybody and everything in its provisions that happens to cross a State line, I will say now that I would give such a proposition careful consideration and be inclined to support it.

Mr. Speaker, how much time have I left all together?

The SPEAKER pro tempore. The gentleman has 16 minutes remaining.

Mr. GLOVER. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. GLOVER. Is it not true that nearly every State in the Union has a State law that covers transitory offense—taking property from one State to another? Jurisdiction is given to the State where the crime is committed and in the State to which it is carried.

Mr. RAMSEYER. The State laws cover every conceivable case of larcency or of receiving stolen goods and possessing stolen goods for sale.

Mr. GRAHAM. Does the gentleman say that the State has jurisdiction of stolen goods in a transitory matter?

Mr. RAMSEYER. Not the transitory part of it, but of the stolen goods whether such goods are in the State where they were stolen or were brought in from another State.

Mr. PALMER. Will the gentleman yeild?

Mr. RAMSEYER. Yes.

Mr. PALMER. I want to ask the gentleman if he does not think the great crime wave which has been going on for the last few years is due to the fact that the Federal courts are so congested by small cases that they are unable to properly transact the business?

Mr. RAMSEYER. There is much merit in the gentleman's observation.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAHAM. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker and gentlemen, I will not attribute ulterior motives to the gentlemen who oppose this bill such as they have attempted to attribute to those of us who sponsor it. If I were to do that, I could say that the gentlemen who oppose the bill are seeking to protect the interests of every burglar and robber in this country, but I absolve them, of course, of any such intent.

Now, gentlemen, crime is keeping abreast of changed conditions. Criminals have modernized their methods of activity.

This bill is the result of months and months of investigation by the National Crime Commission. It is not the child of any one member of the committee.

What happened? If the gentleman from Iowa will give me his attention, probably he will make a better statement when he takes the floor again. In large commercial and industrial centers we have robbery conducted in a wholesale manner. Lofts are looted of goods valued at thousands and thousands of dollars, which are shipped purposely into other States, into small communities, and there repacked and re-marked and from there sold. A county or small community will not go to the expense of sending to different parts of the country for witnesses to identify the goods and will not prosecute these cases for stolen goods received from large centers.

The fence does not move; the fence is stable; that is the reason why we can not reach him as suggested by the gentleman from Iowa.

This bill does not apply to the porch climber who goes in and steals a handful of things from some vacant house. This applies to the burglar, to the fraudulent bankrupt, where bankruptcy is declared and the goods taken and shipped to a distant point in order to get away from prosecution and prevent the recapture of the concealed property.

Mr. RAMSEYER. Will the gentleman yield? The gentleman is making statements not borne out by the facts.

Mr. LAGUARDIA. The gentleman points out that the Department of Justice had no notice. The Department of Justice had notice of hearings before our committee and interposed no objection. The gentleman from Iowa points out that this might involve 50,000 criminals and therefore urges us not to pass the law. That is a new theory in legislation. The gentleman stresses that point. He says if there is $500,000,000 worth of goods stolen, that might involve 50,000 lawbreakers. Therefore, do not pass the law.

Mr. RAMSEYER. They are now under State law. I object to piling that onto the Federal courts.

Mr. LAGUARDIA. If they are under the State law we would not be here to-day. The right of the State to prosecute is not taken away; in fact, it is specifically preserved, and the State under this bill has the preference. If the State prosecutes, the Federal Government by the provisions of this bill can not prosecute.

Mr. RAMSEYER. But they are under the State law.

Mr. LAGUARDIA. Suppose a burglary is committed in New York of a shipment of furs and they are sent into the State of Iowa. Can the State of Iowa prosecute that fence?

Mr. RAMSEYER. There is no question about it.

Mr. LAGUARDIA. Why do not they do it?

Mr. RAMSEYER. We do.

Mr. DOUGLASS of Massachusetts. They do; certainly.

Mr. LAGUARDIA. In that event the provisions of this bill would not apply. But, as a matter of fact, it is not being done by the States.

Mr. DOUGLASS of Massachusetts. It is the law, and it can be done.

Mr. LAGUARDIA. They are not the goods of the community, and the community is not interested.

Mr. DOUGLASS of Massachusetts. But the gentleman will admit that that is the present law.

Mr. LAGUARDIA. Yes. If you establish that the goods are stolen, and send out and get the witnesses, and bring them over there, of course you can prosecute for having in possession goods known to be stolen. All of this is extremely costly and local police officers and courts seldom exercise diligence in such cases.

Mr. DOUGLASS of Massachusetts. Would you not have to produce the same evidence under the Federal law, under this proposed law?

Mr. LAGUARDIA. The Federal Government can do it. It is not fair to put that burden on a small county. That is exactly the point. This is the result of long investigation, and applies especially in large commercial and industrial centers where these wholesale larcenies are carried on and the goods shipped to another State, purposely to avoid prosecution or to make conviction extremely difficult.

Mr. DOUGLASS of Massachusetts. What has the gentleman to say about the extreme penalties attached to this?

Mr. LAGUARDIA. They are maximum penalties.

Mr. DOUGLASS of Massachusetts. Does the gentleman believe they are justified?

Mr. LAGUARDIA. They are maximum penalties. I have no desire to impose heavy penalties. They are the maximum penalties as in every United States statute. There is no minimum. The minimum can be $1 and one day. If there were a minimum of say five years, then the gentleman's point would be well taken.

Mr. DOUGLASS of Massachusetts. The gentleman is not in favor of that maximum?

Mr. LAGUARDIA. If there were a minimum fixed of five years, of course I would object to it, but the minimum here is $1 and one day, and you can not get a smaller minimum than that.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. DICKSTEIN. Under this proposed bill it will not matter whether the larceny or the shipment was 50 cents or up—you are giving it no limit at all. Does not the gentleman think he ought to fix it and say if it is over $1,000 or $500? It seems to me that you are going into the petty larceny proposition throughout the country.

Mr. LAGUARDIA. There is no intention to do that at all. The gentleman from New York surely will remember the long campaign we had in New York State for a proper "fence" bill, and some of the members who served in the legislature of the State will remember that, too.

Mr. DICKSTEIN. Yes.

Mr. GAVAGAN. Does not the gentleman know that the newspaper propaganda to which he just referred was not directed at all to a "fence" bill, but was directed to the receipt of stolen property?

Mr. LAGUARDIA. That is what a "fence" is.

Mr. GAVAGAN. Was not the gentleman in error in saying that it was a "fence" bill?

Mr. LAGUARDIA. No; a "fence" is a receiver of stolen property.

Mr. GAVAGAN. I disagree with the gentleman.

Mr. BLACK. What is the purpose of section 5, excluding negotiable securities?

Mr. LAGUARDIA. Negotiable securities are just like money, and you can not identify them. There is nothing to put a person on inquiry.

Mr. BLACK. What about stolen bonds being transported? That is one of our principal difficulties.

Mr. LAGUARDIA. If they are negotiable instruments, you can not put one on inquiry, and if they are not negotiable securities one is put on inquiry if he buys under suspicious circumstances. If gentlemen who are opposed to the bill will be so fair as to read the hearings and see the diversified interests who appeared in favor of the bill, I think they would be convinced of its merits. We had shipping interests and commercial associations and industrial associations and insurance companies and organized labor. There was never a bill before our committee that had such universal support as this bill, and it was not drawn up at a moment's notice. It was well thought out for many, many months after the most careful investigation.

Mr. BLACK. Would not the same evidence be required to convict under this section as would generally be required in the State courts to convict a "fence" or receiver?

Mr. LAGUARDIA. Absolutely; of course.

Mr. BLACK. That being so, what is the necessity for this bill?

Mr. LAGUARDIA. Because in communities where there has been no loss suffered there is no incentive to prosecute.

Mr. BLACK. I agree with the gentleman on that.

Mr. LAGUARDIA. That is the sole purpose of it. It is to meet a condition which has been brought about by criminals who understand existing conditions and who take advantage of the quick methods of transportation and can select the spot where they send the loot in order to avoid prosecution and to carry on their criminal activities with impunity.

Mr. MORTON D. HULL. What does the gentleman say about the objection that it would load up the Federal courts with a lot of small stuff?

Mr. LAGUARDIA. The gentleman has heard repeatedly arguments on the floor of this House that we must have some confidence in our prosecuting officers. This is no different from any other penal statute enacted by the Congress.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. GRAHAM. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker and Members of the House, I had not intended to take any time on this bill. In fact, I have not given it any consideration since the last Congress, when this subject was brought to our attention by the National Crime Commission. Then we had extensive hearings. I know of no one opposing the bill at that time. Having been before the country for months, having passed the House once and no one opposing, I am surprised at the opposition developed to-day. The real purpose of the bill is to get the "fence," so called.

There is no question but that some minor offenses might be prosecuted under the bill as it is drawn. There is no limit as to value. Possibly some minor amendments might be made to the bill which would improve it. However, it makes me tired to hear people continuously complain because we are too severe upon those who commit crime. I am in favor of a law which will successfully apprehend and punish the criminal. We need speedy and sure justice. I believe that any leeway should be given in favor of the law and of the courts and not in favor of the criminal. [Applause.]

If it is a question of crowded prisons or unrestrained criminals, I am for the crowded prisons.

There is no question but that this country has a real problem before it in regard to this class of larceny cases. Do you realize how easy it is for men in Washington, for instance, to steal fur coats and take them or send them from Washington out to Kansas City or over to New York or out to San Francisco for the purpose of sale by people in a far-away place and at a great discount? Suppose such a robbery is committed here; suppose a large consignment of fur coats is stolen and sent from here to San Francisco and you find out upon investigation where those stolen coats were sold. Under existing law you can prosecute the man who took the coats here in Washington and you can prosecute the man who receives them in California, provided that State has a proper law. You can not compel attendance of witnesses in the State courts if those witnesses are in another State. Those engaged in this business of stealing would be out of a job if you are able to destroy the "fence." We want to get the organization that makes a business of living upon the honest earnings of other folks. This bill will make it possible to get the men back of the robber, who are the fellows who make stealing profitable.

The problem in dealing with bootleggers is to get the fellow higher up. I do not like to see the little fellow punished unduly, the fellow who has a small flask in his pocket, or the fellow who transports a small amount of liquor while the power behind the throne escapes. I think the greater problem is to get the men higher up, the combination, the circle, the ring. This bill deals with everyone connected with the theft, from the thief who in his automobile robs the country store and transports his plunder into a distant State, to the person who sells the stolen property. There was a time when the trains only were used, the auto plays its part to-day.

How are you going to get the witnesses? Suppose you try a man in a State court here for larceny, and the witnesses live in San Francisco. How are you going to get them here? How can you get them before a State court? It can not be done, I will say to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. Does the gentleman want an answer from me?

Mr. MICHENER. Yes.

Mr. RAMSEYER. How about cases of murder committed in one State and the murderer escapes to another State. State lines interpose some obstacles in the way of the enforcement of State criminal laws, but that is no reason for abolishing State lines. The chief objection I have to this bill is that its provisions are not limited to the fence.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. GRAHAM. Mr. Speaker, I yield to the gentleman five minutes more.

Mr. MICHENER. The purpose here is to get the man who ships and disposes of the property. The man who steals it would not steal to any extent if he did not have some way of disposing of the stolen property. The fence is the organization that deals in and disposes of the stolen property which this organized gang of criminals throughout the land steals.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. DICKSTEIN. I am much interested in the gentleman's proposition. Does not the gentleman think this bill should be amended so as to provide that the amount involved should be exceeding $2,000? Otherwise you are going to glut the courts.

Mr. MICHENER. This is not my bill. It is a bill that came to my subcommittee in a previous Congress, and full hearings were had upon it before it was reported out. Later the bill passed the House, I think unanimously.

Mr. BLACK. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. BLACK. Of course, if the gentleman is not going to amend it, you can prosecute under this act a shopgirl who buys a cheap coat out in Kansas. If she bought the coat at a bargain it would be a suspicious circumstance. Everybody who buys goods at an unusually low price is put on notice.

Mr. MICHENER. I will say that when the bill was first taken up in committee I was opposed to it, but on going into it I found that the benefits from the enactment of the law far outweighed any objections that might be raised against the bill. Of course, no one wants to add to the congestion of the Federal courts at this time unless that is necessary for better law enforcement. It is conceivable that under this bill the girl who stole a stickpin in New York and crossed the line into New Jersey might be prosecuted under this law. This is a possibility and entirely improbable. All discretion can not be taken away from prosecutors and courts. The big thing we are aiming at is to break up this organized branch of crime, and some fanciful application of the law should not cause us to abandon its helpful and necessary features. The offense aimed at here is entirely different than murder, for instance, and in dealing with this subject nationally I do not think it is comparable with dealing with the subject of murder, as suggested by the gentleman from Iowa.

I am not unmindful that objections can be raised to some features of this bill; however, the benefits to be derived far outweigh the technical objections, and for that reason I acceded to what seemed to be for the best interest of this kind of legislation. So far as amendments are concerned, this is not my bill. I have no more interest in this bill than any man on the floor of this House to-day. I know of no reason why it should not be amended to make it better if such amendments are possible.

Mr. ANDRESEN. Will the gentleman yield?

Mr. MICHENER. Yes.

Mr. ANDRESEN. Will this bill reach the small automobile dealer who unfortunately buys a stolen automobile?

Mr. MICHENER. That is under the Dyer Act.

Mr. ANDRESEN. But this bill will also reach a case of that kind?

Mr. MICHENER. This bill will reach any stolen property.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. MICHENER. Yes.

Mr. LAGUARDIA. I intend to offer an amendment which can very easily be inserted, if I can get the permission of the chairman to do so. In that amendment I will provide for anything in excess of $1,000. I think that will take care of the petty thief who has been described here.

Mr. MICHENER. All I have to say in conclusion is this, that there is a great evil existing in this country to-day, and that this legislation has been thought out by the National Crime Commission, an organization, as you know, made up of men of the highest type, legally and otherwise, and who would not want an unreasonable law placed upon the statute books, but who want to get at a real evil. Our purpose is to get at this evil. If the bill is not right, let us amend it and make it right. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. LAGUARDIA. Will the gentleman from Pennsylvania yield to me for the purpose of offering an amendment?

Mr. GRAHAM. I will yield for the purpose of stating what it is the gentleman proposes to offer, but I will not yield for the purpose of making an amendment. Mr. Speaker, I yield the gentleman one minute.

Mr. LAGUARDIA. Mr. Speaker, for the information of the gentleman from Pennsylvania, in line 1, page 2, after the word "value," I would insert "in excess of $1,000," and the same amendment in line 13, after the word "value."

Mr. DOWELL. Do I understand the chairman of the committee is yielding time for the purpose of offering an amendment?

Mr. LAGUARDIA. No. He has yielded time for the purpose of being informed as to what the proposed amendment is.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. GRAHAM. Mr. Speaker, I yield the gentleman one additional minute.

Mr. MICHENER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. MICHENER. I want to state to the gentleman that my attention has been called to the fact that in the committee the amount to be involved was considered, and there were many people, especially throughout the Middle West and in the rural communities, where country stores were being broken into and where automobile thieves were stealing merchandise and carrying it away, who objected to fixing a limit.

Mr. LAGUARDIA. I am trying to meet a situation which has developed here on the floor. Will the gentleman from Pennsylvania permit me to offer the amendment at the proper time?

Mr. GRAHAM. I can not yield for that purpose.

The SPEAKER pro tempore. The time of the gentleman from New York has again expired.

Mr. RAMSEYER. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Speaker, inasmuch as there is no need for hasty action the bill should be further considered by the committee before the House passes judgment upon it. There is a rather curious situation. In a previous Congress a bill, in substance what this bill is and not materially different in detail, was submitted by another committee to the then Attorney General and received his disapproval. It was also submitted—but that is not so important—to the Bureau of the Budget and received its disapproval. In this Congress what has occurred? What consideration of this bill has been given by the committee? Members of the committee have told me in the last two or three hours that it was not heard, so far as they know, by the committee as at present made up.

Mr. GRAHAM. I wish to say to the gentleman that is not correct.

Mr. MOORE of Virginia. There are gentlemen who told me that.

Mr. GRAHAM. It was considered in executive session, and gentlemen ought not to talk about what occurred in executive session. However, I say this bill was brought up in the committee generally.

Mr. MOORE of Virginia. Of course, I accept any statement that my friend from Pennsylvania makes; but he can not deny that the pending bill has not been referred by his committee to the Department of Justice. There is now a man of great ability in the office of the Attorney General, and it would seem that as to a measure which proposes to enlarge tremendously the jurisdiction of the Federal courts and as a consequence create still more congestion in the Federal courts and congestion in the Federal penitentiaries there should be hesitation in taking any such quick action as is urged here to-day without inviting the opinion of the present Attorney General.

We can not consider this bill from the point of view of New York or a few other large centers that are troubled by the particular evil to which reference has been made. We are obliged to consider it from the point of view of the entire country and take into view all the conditions and circumstances which bear upon a matter of so much importance.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. DICKSTEIN. Is it not a fact that under present law if a crime of this character is committed, an indictment for a felony can bring back any criminal to the State where the crime has been committed?

Mr. MOORE of Virginia. Of course. That is true with reference to all crimes, but we are asked now to adopt a policy based upon the premise that the States are inefficient, that they are incompetent, that they are too weak to act, and that the Federal courts can alone be relied on.

Congress has recently experimented along this line. A little while ago the Dyer automobile bill became a law. That law penalizes as a Federal crime the theft of an automobile in one State which is transported into another State. How has it operated? It has operated in such manner that on January 25 the author of that bill, Mr. DYER, who is on the floor and, I have no doubt, is prepared to reiterate the statement he made at that time, declared the law is working so unsatisfactorily in several directions that if there is no change in what is occurring his inclination is to attempt its repeal.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. RAMSEYER. Mr. Speaker, I yield the gentleman one additional minute.

Mr. MOORE of Virginia. I shall add to my remarks some quotations from Mr. DYER's statement showing the number of convictions under that act, and to a very large extent of mere youths, and the heavy punishments which have been imposed, and the injustice—which he believes and I believe from the data he has furnished—has resulted from a piece of legislation which is far less extensive in its scope than the legislation now proposed, but which is similar in character. [Applause.]

I quote from Mr. DYER's statement as follows:

> Before we had considered this legislation in the Committee on the Judiciary and in the House a number of complaints had come that there were men who were making a business of stealing automobiles, driving them into other States, turning them over to others who were working with them, and having them sold in the other States; in other words, that it had become quite a situation demanding legislation to cure the evil. The States were not able to prosecute these cases for the reason that they could not get witnesses and other necessary things in the way of evidence in order to prosecute in the State courts.
>
> So this statute was enacted, and when I spoke the other day, Mr. Chairman, of the fact that the courts were sentencing young men of 18, 19, 20, and 21 years of age, many of them, to the Federal prison I said then, and I say now, that in my opinion it is wrong to send such young men to the penitentiary in an ordinary case of this kind. Young men will get hold of a car improperly and illegally, of course, and engage in a joy ride, and the first thing they know they are in some other State, where they are arrested. Then under this Federal act they are brought into the Federal court, and the young men have no defense. The car was stolen or taken illegally and found in another State, and having been transported in interstate commerce, they are guilty.
>
> The district attorneys and the courts have been sending many of these young men to the penitentiary, and I want to call your attention to this letter which I have received from the superintendent of prisons of date January 24:
>
> "After hearing your remarks in the House the other day with reference to convictions under the national automobile theft act I thought you might be interested in the figures which I furnished to the secretary of the National Commission on Law Observance and Enforcement recently.
>
> "Out of the 450 Federal boys in the National Training School here in Washington, nearly 200 are violators of the Dyer Act, with the ages distributed as follows:
>
> "Two boys 12 years of age, 6 boys 13 years of age, 19 boys 14 years of age, 31 boys 15 years of age, 64 boys 16 years of age, 48 boys 17 years of age, 19 boys 18 years of age, 1 boy 19 years of age, and 1 boy 22 years of age.
>
> "I have before me now for parole consideration the cases of four youngsters sent from the middle district of Tennessee to the Missouri Reformatory at Boonville, ages, respectively, 12, 13, 14, and 15 years of age."
>
> Mr. Chairman, what I said then I repeat now. Unless this law is administered with more humane justice in considering these young men and boys, I shall offer a bill to repeal the act entirely, although, in my opinion, it has accomplished much good.
>
> A letter from the Department of Justice as to the working of the law indicates that automobiles recovered under the act since it was enacted into law have amounted to $16,841,866, and that fines have been assessed against those found guilty amounting to $469,225, and that men have been sent to the penitentiary to the extent of 18,649 years, a total of some 10,714 convictions.

Mr. GRAHAM. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma [Mr. MCKEOWN].

Mr. MCKEOWN. Mr. Speaker and gentlemen of the House, there ought not to be this big bugaboo about this proposed bill. At the present time, as called to my attention by my good friend from Missouri [Judge LOZIER], we prosecute by Federal statute the thefts and burglaries committed on freight cars and steamboats. We do that by Federal statute already.

Now, here is what takes place, what we are trying to do. We may not have drawn the bill to meet the ideas of some of you, but we have done the best we could.

Here is what we are trying to stop: There are organized gangs throughout the United States who go into unprotected villages and towns and sack these stores of valuable goods. They have a "fence" at many places and they ship these goods to that "fence" in other places in the United States.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. MCKEOWN. Yes.

Mr. JOHNSON of Texas. The vice of it is that there is no distinction in this bill whether the property is of large or small value. A man would be guilty of a felony if he sent a pocket handkerchief from one State to another.

Mr. MCKEOWN. We will try to correct that, but as far as I am concerned I have gotten so tired of stealing going on in this country that I do not care whether we have a petty limitation or not. [Applause.]

Mr. O'CONNELL of New York. In other words, the gentleman is in favor of any law that will operate to correct the situation.

Mr. MCKEOWN. Yes; I want to stop this wholesale stealing and shipping of goods all over the United States. The most vicious class is the fellow who buys goods with no intention of ever paying for them and then ships them to some "fence."

I had an experience out in New Mexico nearly 30 years ago. A fellow owned a store—credit was easy, and he filled up his whole store on 90 days' credit. Then he proceeded to pack the goods, shipped them to New Mexico, and got rid of them before the 90 days was up.

This bill is asked for by many of the most prominent men in the United States. Somebody asked if labor was in favor of it. William Green is in favor of it, because his people are honest people.

Mr. BLOOM. Will the gentleman yield?

Mr. MCKEOWN. I yield.

Mr. BLOOM. Why is it that you exclude negotiable paper?

Mr. McKEOWN. Because we have such regard for the people in the gentleman's State——

Mr. BLOOM. Will the gentleman kindly answer why you exclude negotiable instruments, and I would like an honest answer?

Mr. McKEOWN. Because negotiable instruments should flow in commerce untrammeled and you can not interfere with the flow of negotiable paper.

Mr. LAGUARDIA. It is just like money; you can not identify it.

Mr. McKEOWN. You can not have it tied up with such a statute as this.

Mr. BLOOM. But they are stolen.

Mr. McKEOWN. Yes; but you can not check them up.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. RAMSEYER. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes.

Mr. RAMSEYER. Mr. Speaker, now, if I may have the attention of the House, when I had the floor before I called attention to the fact that the bill had been illy considered and that the Department of Justice, when asked for its opinion two years ago on an identical bill for the identical purpose, opposed it, for the reasons that were stated in the letter that I read to you. The objections by the Department of Justice to the bill have not been met. Since the debate has started gentlemen who favor the bill have suggested several amendments. The bill is of so sweeping and far-reaching a character that it should be carefully considered not only by the Committee on the Judiciary and by that committee in connection with the Department of Justice but by the committee with the entire membership of the House.

I doubt, even with the debate we have had here, with Members coming and going, that a majority of those present understand the character of the bill. This bill undertakes to confer Federal jurisdiction on everything that is stolen, whether it is a stickpin worth 5 cents or property worth a million dollars, if that property is carried across a State line.

Those who are opposed to this bill in its present form are no more in favor of protecting criminals than those who favor it, and they are just as anxious to punish criminals as any member of the Judiciary Committee. That is not the issue, but one serious issue raised by the Department of Justice is in view of the fact that we in the last 20 years have more and more spread Federal jurisdiction over what the States had jurisdiction over before, and as a consequence our Federal prisons are filled far beyond capacity. It is a question whether at this time we should enact a law here giving the Federal courts jurisdiction over every species of larceny, irrespective of the amount involved. The criminal laws of the States now include every offense mentioned in the bill. If you can work out a sensible bill that can have at least some support from the Department of Justice, to get at what you call the "fence," then bring it back here and we will consider it, but this bill, even with the two or three minor amendments that have been suggested, will not be improved sufficiently to merit the approval of this House.

In the course of a very few days you are going to get the opinion of the Department of Justice through the Senate Judiciary Committee, and while I am not going to anticipate the views of the present Attorney General I have no doubt that his views will be in accord with his distinguished predecessor whose views I have already read here. I think the sensible thing for this House to do, in view of the importance of the legislation, in view of the fact that you are greatly extending jurisdiction of the Federal Government in criminal matters, in view of the fact that Members of the House have not had time to consider it, is, when the time comes, to support a motion to recommit this bill to the Committee on the Judiciary. That will not kill the bill, but will give that committee further opportunity to consider it and will also give the Members of the House further opportunity to study and make up their minds whether they want this kind of legislation on the statute books. [Applause.]

Mr. GRAHAM. Mr. Speaker, I shall take the balance of my time. The argument which the last speaker advanced here would apply to every bill that is reported from a committee and is before the House for action. In other words, when it comes up for discussion you could then claim that the Members want further time to consider it. The purpose of having a bill sent to a committee is that it may be investigated by the committee and reported to the House. Then the House considers it. The opportunity to consider it is presented when the bill is reported out, and there is no occasion in this measure for any different rule of procedure from that which obtains in every other case. This bill is not a peculiar one or a new one in Federal legislation. The law referred to by a previous speaker covers a similar condition of affairs in interstate commerce with regard to common carriers and applies to any amount of goods stolen, large or small. Therefore we are not presenting to the House something novel. We have had this bill in two Congresses. When the hearings were had the Department of Justice was notified to appear and join in the consideration of the measure. My impression is that we had a communication in the last Congress from the Attorney General, then Mr. Sargent. I am not sure, after conferring with some of my fellow Members, whether that is correct or not. I am inclined to think that it rests with the notification and awaiting some representative of the department to come to us and take part in the hearings and consider what took place there.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Not now. It is no argument to talk here about the multiplication of prisoners for stopping legislation that is desired to prevent crime. [Applause.]

It is no argument to claim that a bill should not pass simply because there will be a multitude of offenders under it, but rather an argument in favor of the bill, an argument for further appropriations, and an argument to provide more prisons. Within a few days you are going to multiply the number of offenders under a certain enforcement law in this community. When you undertake to do that some one will rise and say that you are burdening the Federal courts. That is no argument. Burden the courts? Yes. Increase your courts? Yes. Provide new methods for administering the law? Yes. But do not delay legislation that is absolutely and evidently needed solely upon such unheard-of bases as these which have been advanced against this bill.

Mr. Speaker, at the request of the gentleman from New York [Mr. LAGUARDIA] I am going to offer an amendment to the bill, and I now send it to the Clerk's desk to have it read in my time.

The SPEAKER. Does the gentleman desire it read merely for information or does he offer it?

Mr. GRAHAM. I desire it read first for information.

The SPEAKER. Without objection, the Clerk will read.

There was no objection, and the Clerk read as follows:

Amendment proposed by Mr. GRAHAM: Page 2, line 1, after the word "value," insert "in excess of $300," and in line 13, after the word "value," insert "in excess of $300."

Mr. GRAHAM. Mr. Speaker, let me say in conclusion that there is no rule of law or system of practice requiring a committee of this House to take the opinion of a department of the Government, unless that committee feels that it would enable them better to comprehend the subject.

In other words, this Congress is not run by the departments of the Government, and whenever we find that we have facts enough, information enough, to enable us to act intelligently, we do not need to inquire of somebody else what we ought to do in the way of recommendation. The facts were presented to us and were supported by an array of names that is seldom marshaled in support of any subject. Hearings were had. A committee investigated it, and the gentleman from Michigan [Mr. MICHENER] made this report to the House. The committee has done its duty, its full duty, and it now leaves the measure in the hands of the Members of the House. It was our duty, having sufficient facts to show the necessity for such legislation, to present the legislation to the House for its final action. [Applause.]

Mr. Speaker, I now offer the amendment.

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM: Page 2, line 1, after the word "value," insert "in excess of $300," and in line 13, after the word "value," insert "in excess of $300."

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield for a question?

Mr. GRAHAM. Yes.

Mr. RAMSEYER. The gentleman, of course, knows that the Department of Justice has had a great deal of experience in the prosecution of crimes?

Mr. GRAHAM. Yes. Is this a question or a statement? In the latter case I will not agree. [Laughter.]

Mr. RAMSEYER. It is a question. I read a moment ago a letter from the Attorney General.

Mr. GRAHAM. Well, I have had reports sent to me from the departments from subordinate officials when the head of the department never saw it or expressed a wish about it. Some one has written the gentleman a letter.

Mr. RAMSEYER. Nobody has written me a letter, but I have a copy of a letter here that the Attorney General wrote

to the chairman of the Committee on Interstate and Foreign Commerce. There is no question about that.

Mr. GRAHAM. That was about another bill, was it not?

Mr. RAMSEYER. No. It was about the identical bill. No member of the committee will dispute that it is the identical bill. I want to ask the gentleman a question. The department is opposed to this bill and insists that if it is passed it should have a limit of $1,000. The gentleman here proposes an amendment to make the limit $300. If you want to have a limitation, why not make the limit $1,000, as suggested by the Attorney General?

Mr. GRAHAM. The gentleman has forgotten his question.

Mr. RAMSEYER. Oh, no; I can repeat the question for the gentleman's benefit.

Mr. GRAHAM. Mr. Speaker, I ask for a vote on the amendment.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GRAHAM. Mr. Speaker, I move the previous question on the bill as amended to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. RAMSEYER. Mr. Speaker, I move to recommit the bill.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. RAMSEYER. I am.

The SPEAKER. The Clerk will report the motion of the gentleman from Iowa.

The Clerk read as follows:

Mr. RAMSEYER moves to recommit the bill to the Committee on the Judiciary.

The SPEAKER. The motion of the gentleman from Iowa is to recommit the bill to the Committee on the Judiciary. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. RAMSEYER. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of recommitting this bill will, when their names are called, answer "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 145, nays 202, not voting 81, as follows:

[Roll No. 8]

YEAS—145

Allgood	DeRouen	Johnson, Okla.	Ramseyer
Almon	Dominick	Johnson, Tex.	Ramspeck
Andresen	Doughton	Johnston, Mo.	Rankin
Andrew	Douglas, Ariz.	Kading	Reece
Bachmann	Douglass, Mass.	Kahn	Reid, Ill.
Baird	Drane	Kemp	Robinson
Bankhead	Driver	Kerr	Romjue
Bell	Dyer	Kopp	Rutherford
Bowman	Edwards	Lampert	Sanders, Tex.
Box	Ellis	Lankford, Ga.	Sandlin
Brand, Ga.	Eslick	Larsen	Schneider
Briggs	Estep	Lea, Calif.	Short, Mo.
Browning	Evans, Mont.	Lee, Tex.	Simmons
Busby	Fisher	Lozier	Sloan
Byrns	Fuller	Ludlow	Smith, W. Va.
Campbell, Iowa	Fulmer	McCormack, Mass.	Snow
Canfield	Gambrill	McDuffie	Steagall
Cannon	Garner, Tex.	McReynolds	Stevenson
Cartwright	Gasque	McSwain	Tarver
Chindblom	Gavagan	Mansfield	Temple
Christgau	Gifford	Mapes	Thurston
Clancy	Glover	Milligan	Vincent, Mich.
Clark, N. C.	Green	Montet	Warren
Cochran, Mo.	Gregory	Moore, Ky.	White
Cole	Griffin	Moore, Va.	Whitehead
Collier	Hale	Morehead	Whitley
Collins	Hall, Miss.	Nelson, Me.	Wigglesworth
Connery	Hammer	Nelson, Mo.	Williams, Tex.
Cooper, Tenn.	Hare	Oliver, N. Y.	Wilson
Cox	Hawley	Palmer	Wingo
Cross	Hill, Ala.	Palmisano	Wolverton, W. Va.
Crosser	Hope	Parks	Woodruff
Dallinger	Howard	Patterson	Wright
Davenport	Huddleston	Peavey	Yon
Davis	Hull, William E.	Pratt, Ruth	
Denison	Jeffers	Ragon	
De Priest	Johnson, Nebr.	Rainey, Henry T.	

NAYS—202

Abernethy	Black	Burtness	Connolly
Ackerman	Blackburn	Butler	Cooke
Adkins	Bland	Cable	Cooper, Ohio
Allen	Bloom	Carley	Cooper, Wis.
Arentz	Bohn	Carter, Calif.	Corning
Arnold	Brigham	Celler	Coyle
Ayres	Browne	Chalmers	Craddock
Bacharach	Brumm	Christopherson	Cramton
Barbour	Brunner	Clague	Crisp
Beck	Buchanan	Clark, Md.	Crowther
Beers	Buckbee	Clarke, N. Y.	Culkin
Cullen	Hopkins	Manlove	Shreve
Darrow	Houston, Del.	Martin	Simms
Dickstein	Hudson	Mead	Smith, Idaho
Dowell	Hull, Morton D.	Menges	Snell
Dunbar	Hull, Tenn.	Merritt	Sparks
Eaton, Colo.	Hull, Wis.	Michaelson	Speaks
Eaton, N. J.	Irwin	Michener	Sproul, Ill.
Elliott	Jenkins	Miller	Sproul, Kans.
Englebright	Johnson, Ind.	Montague	Stafford
Esterly	Jonas, N. C.	Morgan	Stalker
Fitzgerald	Jones, Tex.	Mouser	Strong, Kans.
Fitzpatrick	Kearns	Murphy	Strong, Pa.
Frear	Kelly	Nelson, Wis.	Summers, Wash.
Free	Kendall, Ky.	Newhall	Swanson
Freeman	Ketcham	Niedringhaus	Swick
French	Kiefner	Nolan	Swing
Garrett	Kiess	Norton	Taber
Gibson	Kincheloe	O'Connell, N. Y.	Thatcher
Goodwin	Kinzer	O'Connell, R. I.	Thompson
Graham	Knutson	O'Connor, Okla.	Tilson
Greenwood	Korell	Oldfield	Tinkham
Guyer	Kurtz	Oliver, Ala.	Treadway
Hadley	Kvale	Parker	Tucker
Hall, Ill.	LaGuardia	Patman	Underhill
Hall, Ind.	Lambertson	Pittenger	Vestal
Hall, N. Dak.	Langley	Porter	Wainwright
Halsey	Lankford, Va.	Prall	Walker
Hancock	Leavitt	Pratt, Harcourt J.	Wason
Hardy	Leech	Pritchard	Watres
Hartley	Lehlbach	Quayle	Watson
Hastings	Letts	Quin	Welch, Calif.
Haugen	Lindsay	Ransley	Welsh, Pa.
Hess	Linthicum	Rogers	Williamson
Hickey	Luce	Rowbottom	Wolfenden
Hill, Wash.	McClintock, Ohio	Sanders, N. Y.	Wolverton, N. J.
Hoch	McFadden	Schafer, Wis.	Wood
Hoffman	McKeown	Seiberling	Woodrum
Hogg	McLaughlin	Selvig	Wyant
Holaday	McLeod	Shaffer, Va.	
Hooper	Magrady	Shott, W. Va.	

NOT VOTING—81

Aldrich	Doyle	Lanham	Sirovich
Aswell	Drewry	McClintic, Okla.	Somers, N. Y.
Auf der Heide	Evans, Calif.	McCloskey	Spearing
Bacon	Fenn	McCormick, Ill.	Stedman
Beedy	Fish	McMillan	Stobbs
Bolton	Fort	Maas	Stone
Boylan	Foss	Mooney	Sullivan, N. Y.
Brand, Ohio	Garber, Okla.	Moore, Ohio	Sullivan, Pa.
Britten	Garber, Va.	O'Connor, La.	Sumners, Tex.
Burdick	Glynn	O'Connor, N. Y.	Taylor, Colo.
Campbell, Pa.	Golder	Owen	Taylor, Tenn.
Carter, Wyo.	Goldsborough	Perkins	Timberlake
Chase	Hudspeth	Pou	Turpin
Cochran, Pa.	Hughes	Purnell	Underwood
Colton	Igoe	Ramey, Frank M.	Vinson, Ga.
Crail	James	Rayburn	Whittington
Curry	Johnson, Ill.	Reed, N. Y.	Yates
Dempsey	Johnson, S. Dak.	Sabath	Zihlman
Dickinson	Johnson, Wash.	Sears	
Doutrich	Kendall, Pa.	Seger	
Doxey	Kunz	Sinclair	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Aswell (for) with Mr. Reed of New York (against).
Mr. O'Connor of Louisiana (for) with Mr. Frank M. Ramey (against).
Mr. Spearing (for) with Mr. Fenn (against).
Mr. Pou (for) with Mr. Moore of Ohio (against).

Until further notice:

Mr. Garber of Oklahoma with Mr. McClintic of Oklahoma.
Mr. Bacon with Mr. Drewry.
Mr. Johnson of South Dakota with Mr. Whittington.
Mr. Perkins with Mr. Kunz.
Mr. Dickinson with Mrs. Owen.
Mr. Turpin with Mr. Sumners of Texas.
Mr. Johnson of Illinois with Mr. Doyle.
Mr. Seger with Mr. Auf der Heide.
Mr. Purnell with Mr. Taylor of Colorado.
Mr. Burdick with Mr. Mooney.
Mrs. McCormick of Illinois with Mr. Sabath.
Mr. Evans of California with Mr. Hudspeth.
Mr. Yates with Mr. Stedman.
Mr. Sullivan of Pennsylvania with Mr. Boylan.
Mr. Johnson of Washington with Mr. Sullivan of New York.
Mr. Campbell of Pennsylvania with Mr. McMillan.
Mr. Crail with Mr. Igoe.
Mr. Hughes with Mr. Doxey.
Mr. Garber of Virginia with Mr. Somers of New York.
Mr. Kendall of Pennsylvania with Mr. Underwood.
Mr. Chase with Mr. Lanham.
Mr. Cochran of Pennsylvania with Mr. Vinson of Georgia.
Mr. Fort with Mr. McCloskey.
Mr. Golder with Mr. Sirovich.
Mr. Curry with Mr. Rayburn.
Mr. Zihlman with Mr. O'Connor of New York.
Mr. Britten with Mr. Goldsborough.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

TO PERMIT THE UNITED STATES TO BE MADE A PARTY DEFENDANT IN CERTAIN CASES

Mr. GRAHAM. Mr. Speaker, I call up H. R. 980, a bill to permit the United States to be made a party defendant in certain cases.

The SPEAKER. The gentleman from Pennsylvania calls up a bill which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever, under any law of the United States, a lien shall be created and made a matter of record in pursuance of the provisions of section 3186 of the Revised Statutes of the United States (title 26, sec. 115, U. S. C.), or otherwise, upon or against any property, real or personal, against which any prior lien or encumbrance shall exist in favor of any person, firm, or corporation, and the person, firm, or corporation holding such prior lien or encumbrance shall desire to foreclose the same, or to proceed to a judicial sale thereon, the United States may be made a party defendant to any suit or proceeding which may be removed to any United States district court under the provisions of sections 4 and 5 of this act by the holder of such prior lien or encumbrance for the purpose of foreclosure or sale: *Provided, however,* That the United States shall not be made a party to any suit or proceeding in any court of any State until after removal of the same to the United States district court as hereinafter provided.

SEC. 2. That in all suits or proceedings which may be removed under this act the process of the court shall be served upon the United States district attorney for the district in which the same shall be pending.

SEC. 3. That no judgment for costs shall be rendered against the United States in any suit or proceeding which may be removed under the provisions of this act, nor shall the United States be or become liable for the payment of the costs of any such suit or proceeding or any part thereof.

SEC. 4. Whenever the prior lien or encumbrance referred to in section 1 of this act shall have been proceeded upon in a State court, and it shall appear that there is filed of record a lien in favor of the United States, entered after the creation of said lien or encumbrance, it shall be lawful for the said plaintiff or plaintiffs before or after the entry of a judgment or decree in such suit or proceeding to have the said suit or proceeding, including said judgment or decree, if any, transferred from the said State court to the United States district court for the district where the property subject to the lien shall be situated; and the procedure for such removal shall be the same as that now required for such transfer in other cases where the United States district court has jurisdiction. After removal of the said suit or proceeding to the United States district court, it shall be lawful for the said court, on petition of the plaintiff or plaintiffs, setting forth the fact of such removal, and the grounds for the same, to enter an order expressly authorizing the addition of the United States as a party defendant therein, and providing for the issuance and service upon the United States of such writ, order, or other process appropriate for making the United States a party and proceeding to a hearing upon the question of the priority of the lien of the plaintiff or plaintiffs over the lien held by the United States, and also providing within what time an appearance and answer shall be filed by the United States after such service. In case a judgment or decree had already been entered in said suit or proceeding in the said State court, the said order so entered by the United States district court, after such removal, shall expressly authorize such judgment or decree to be opened for the sole purpose of permitting the United States to be made a party, and the said order shall also provide for service of process on the United States and for appearance and answer by it as aforesaid. Excepting for the right of the United States to appear and answer therein, and excepting as the United States district court may limit the operation of said judgment as against the rights of the United States, the judgment or decree so opened shall remain in full force and effect as of the date of its original entry in the State court. After the filing of an answer by the United States, the United States district court shall proceed to a finding as to whether or not a lien of the United States exists in fact upon or against the property, real or personal, covered by the foreclosure proceedings in the State court and in what amount and whether or not such lien is subordinate to the lien of the plaintiff or plaintiffs in such suit and after the ascertainment of these facts and the status of the lien, if any, as to priority shall forthwith remand the case to the State court from whence it was transferred so that the State court may proceed to execution and sale, subject, however, to such order as may be entered by the United States district court limiting the judgment in the suit or proceeding in the State court as against the rights, if any, of the United States.

SEC. 5. Whenever the prior lien or encumbrance mentioned in section 1 of this act arises solely as a result of a judgment or decree of a State court, which is not entered by way of foreclosure in a suit on a preexisting lien, and the only proceeding necessary to enforce the lien of such judgment or decree is the regular execution process provided for by the laws of the said State, such judgment or decree may be removed to the said district court of the United States by proceedings as provided in section 4 of this act. After such removal, a rule to show cause shall, upon petition of the plaintiff or plaintiffs therein, be granted by the said district court, returnable at such time as the court may direct, requiring the United States to show cause why such execution should not issue and a sale be made thereunder according to law. The said rule shall be served upon the United States district attorney of the district aforesaid, and after a hearing upon such rule the said court, being satisfied with the priority of the lien of said judgment or decree over the lien held by the United States, shall enter a final order so finding, making such rule absolute, and ordering the suit or proceeding entered therein forthwith to be remanded to the State court for execution process to issue for the sale of the property covered by the said liens, with like effect as hereinafter provided in section 6 of this act.

SEC. 6. After the entry of a final order by the United States district court in any suit or proceeding transferred thereto from a State court under this act in which the United States has been made a party under the provisions of this act, pursuant to a finding in the court that a lien exists in favor of the United States and that such lien is subordinate to the lien of the plaintiff or plaintiffs in such suit, the effect of any sale which may thereafter be made, by writ of execution or otherwise, in the said State court subject to the terms of the said order of the United States district court, shall be the same, as to the discharge from the property sold of liens and encumbrances, and otherwise howsoever, as shall be provided by the law of the State in which the said property is situated, in connection with such sales in the courts of that State; and the lien of the United States upon such property shall be subject to discharge from said property by such sale, in the same manner as may be provided by such State law as to other junior liens, and shall be relegated to the fund produced by such sale.

Mr. GRAHAM. Mr. Speaker, I offer a perfecting amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM: Page 1, line 9, after the word "any," insert the words "State or municipal subdivision thereof or of any."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GRAHAM. Mr. Speaker, I present another amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM: Page 6, following section 6, add the following new sections:

"SEC. 7. Subsection (c) of section 3186 of the Revised Statutes, as amended, is amended by striking out the period at the end of paragraph (3) and inserting a semicolon in lieu thereof, and by adding the following new paragraph:

"'(4) May issue a certificate of release of the lien if the Commissioner of Internal Revenue determines that such lien is of no value.'

"SEC. 8. If any person has a lien upon any property which has been duly filed of record in the jurisdiction in which the property is located, and a junior lien (other than a lien arising out of a neglect or failure to pay any tax) in favor of the United States attaches to such property, such person may make a written request to the officer of the United States charged with the administration of the laws in respect of which the lien of the United States arises, to have the same extinguished. If, after appropriate investigation, it appears to such officer that the proceeds from the sale of the property would be insufficient to satisfy, in whole or in part, the lien of the United States, or that the lien of the United States has been satisfied or by reason of lapse of time has become unenforceable, such officer shall so report to the Attorney General, who thereupon may in his discretion issue a certificate of release. Such certificate may be recorded and shall be held conclusive that the lien upon the property covered by the certificate is extinguished.

"SEC. 9. That the United States hereby consents to be made a party to any suit or proceeding brought in a Territorial court or the Supreme Court of the District of Columbia instituted by any person, firm, or corporation holding a prior lien to a lien of the United States which is subject to the provisions of this act whenever the property covered by such lien is within the jurisdiction of the Territorial court or the Supreme Court of the District of Columbia. In all such suits or proceedings the process of the court shall be served upon the United States attorney for the Territory or District within which suit may be or may have been instituted, whose duty it shall be to appear and defend the interest of the United States: *Provided,* That no judgment for costs shall be rendered against the United States in any suit or proceeding which may be instituted under the provisions of this section, nor shall the United States be liable for the payment of the costs or any part thereof of any such suit or proceeding. After the entry of a final order by the Territorial court or the Supreme Court of the District of Columbia pursuant to a finding that a lien exists in favor of the United States and that such lien is subordinate to the lien of the plaintiff or plaintiffs in such suit, the effect of any sale which may thereafter be made by writ of execution or otherwise in the court of the Territory or of the District of Columbia shall be the same as to the discharge from the property sold of liens and encumbrances and otherwise howsoever as shall be provided by the law of the Territory or

District in which the said property is situated; and the lien of the United States upon such property shall be subject to discharge from said property by such sale in the same manner as may be provided by law as to other junior liens in the Territory or District wherein the property is situated and shall be relegated to the fund produced by such sale.

"SEC. 10. This act shall not apply to any lien of the United States upon any vessel or vehicle if a violation of the customs, prohibition, narcotic drug, or immigration laws is involved, nor to any maritime or preferred vessel mortgage lien.

"SEC. 11. The provisions of section 1127 of the revenue act of 1926, section 3207 of the Revised Statutes, with reference to the enforcement of tax liens, shall remain in full force and effect, but any State or municipal subdivision thereof, or any person, firm, or corporation holding a prior lien or encumbrance to a lien filed for the refusal or neglect to pay any tax of the United States, may elect to proceed for the removal of said lien under the provisions of this act."

Mr. STAFFORD. Mr. Speaker, I assume the gentleman from Pennsylvania [Mr. GRAHAM] is going to explain the amendment that has just been presented for consideration.

Mr. GRAHAM. Mr. Speaker, I will take enough time to make an explanatory presentation of this bill and the amendments, so that the House may understand what is really before it. I will take at least 15 minutes.

I ask for the earnest attention of the House to the explanatory remarks I am about to make concerning the bill, H. R. 980, the perfecting amendment which I have offered, and then call your attention to a bill which the chairman of the Ways and Means Committee [Mr. HAWLEY] has introduced in the House intending it to be a substitute for the bill reported by our committee.

Some of the Members of the House may recall that about a week or 10 days ago this bill was before the House and Mr. HAWLEY, the chairman of the Ways and Means Committee, arose and interrogated me as to whether or not the bill had been submitted to the Treasury Department. I told the gentleman I could not of my own knowledge say whether it had been or not, but I could say we had applied to the Department of Justice, and I had no doubt they had consulted whatever department was affected by the bill. The gentleman asked that the matter be postponed until he could make some further investigation. I agreed and the matter was then withdrawn from the consideration of the House at that point.

Afterwards the gentleman conferred with the Department of the Treasury. I kept away and did not interfere, waiting to hear what report would come from that department. Later I received notice that a certain gentleman connected with that department was trying to frame a bill as a substitute for the legislation which this committee had considered and reported favorably, and which this House in a previous Congress had acted upon and passed, and when the Senate also acted upon the bill we went to conference on the disagreement between the two Houses. The bill failed in that Congress by reason of what is called a pocket veto. I do not know how to characterize the proposition except to say that as a Member of the House he has a right to consider any bill and suggest any amendment he chooses.

I now ask your attention to the bill H. R. 980. Without attempting, because it would take too much time, to read the bill, I can tell you in a few words exactly what its provisions mean.

A demand arose for some unfettering of real estate to relieve it from the liens of the Government, which had become oppressive and unendurable. Title companies, building associations, and others besought the passage of some measure that would give relief.

This subject has been under consideration for three or four years. After conference with committees representing these interests and after conference with one of the subordinates of the Department of Justice who took the matter up, we agreed upon a bill. That bill is embodied in H. R. 980.

It is simply a provision by which whenever a mortgagee, for instance, holding a mortgage upon real estate, finds that a lien to the Government has been filed, a subordinate lien remember—because if it is a prior lien we can not do anything with that—the owner of that mortgage may go into the State court and foreclose his mortgage, but this would do him no good unless he could get the United States made a party to the proceeding in some way so that the lien would be relieved on the part of the Government.

We have devised the method that the mortgagee can petition the United States court to take cognizance of the matter of the existence of a subordinate lien, and that court will take up the question and consider whether or not the lien has any existence, what its amount is, and certify these facts to the State court. The State court then proceeds with the foreclosure and when a sale takes place that lien is wiped out to the extent that it becomes, instead of a lien against the real estate, a lien upon the fund which the sale produces.

It seemed to me this was a perfectly reasonable method of procedure.

Mr. BLOOM. Will the gentleman yield there?

Mr. GRAHAM. I will, for a moment.

Mr. BLOOM. Would not that wipe out the subordinate lien against the property, if the property did not realize a sufficient amount of money to protect the Government?

Mr. GRAHAM. Certainly; and it ought to be wiped out. If there is nothing there to pay it, why should the real estate be fettered continually and forever?

Mr. BLOOM. Why should not the United States be protected in that event?

Mr. GRAHAM. It is not affected, except in so far as it finds out the status of the lien, refers it back to the State court, with its suggestion as to the quality of the lien or its priority.

Mr. BLOOM. As a business proposition, is not that a matter for the Treasury Department instead of a matter for the Department of Justice?

Mr. GRAHAM. Oh, no. The Treasury Department says it is a matter of procedure. Mr. Alvord, who acted for them and who had several interviews with me, agreed that this affected the remedy and did not affect the revenue. It simply provides a method by which liens can be discharged and does not affect the revenue, and I have a letter from the Treasury Department saying that the proposed bill does not affect the revenue of the Treasury one penny. This answers that proposition.

Now, in order to carry out some suggestions that were made by Mr. Alvord, and which Mr. HAWLEY has engrafted in his bill, to-day I submitted the suggestions to the Judiciary Committee and have their approval that as chairman of the committee, I may present them to the House, which I have done.

There was some question raised by Mr. Alvord as to whether or not this proceeding of ours would destroy or repeal section 3027. Personally, I said it would not. Our committee felt that it would not, when it was discussed, because this being a general and that a special act of legislation, the general never repeals the special, unless it is absolutely antagonistic to it or has words of repeal in it. In order to remove all question about it I put in an amendment that the bill shall not effect the repeal of that section in any way. That removes any doubt, and that is satisfactory to the Treasury and the lawyers and the committee.

Now, the Treasury wanted some freedom in the matter of removing liens voluntarily, and we have introduced two amendments, one of which relates to tax liens, that the collector of internal revenue has charge of, and whenever he finds that a lien on the record is valueless and worthless he may so decide and give a certificate removing the lien.

As to all other liens we have also an amendment, which is the same as Mr. Alvord advocated and the same as that Mr. HAWLEY advocated—that as to all other liens, when the department out of which they originated examines into the matter and makes a report to the Attorney General, the Attorney General may issue a certificate releasing these worthless claims. That is only to facilitate the administration regarding tax accounts. That was not in my original bill, but it is good legislation and seems to me worthy to be considered, and therefore we adopted the second amendment.

The practical difference between the bill which we have introduced and the committee has reported time and time again and that which my friend [Mr. HAWLEY] is going to advocate is this: Our bill is simply a certification of the question to the United States courts and, when considered by the court, that court referring back its decision, which the State court will carry out.

Mr. HAWLEY'S bill provides for the originating of the suit in the United States district court, but he has the most cumbersome and impracticable method of doing it, and the person who wants the relief has no right to complain.

I want to enter a protest against a spirit that seems to prevail in so many places that when a man goes into the Government service he ceases to represent the people and becomes the partisan of the place in which he is; he can not see the other side of the question. He only sees one side; and the faithful man who gets the bill up, as in this case for my distinguished friend, only sees one side. By the terms of that bill he must make the request of the Attorney General, wait three months, and if the Attorney General does not grant relief, he may file a bill in equity.

Why should he be put in that position? Why should not the man who is seeking justice and right have the privilege of starting his own proceeding and not be put in the position

of asking some department head or clerk whether or not he has the right to proceed?

That is substantially the only difference between us, and I hope the House will pass the bill as we have reported it, with the amendments.

Now, in closing, I want to call your attention to a letter which was not shown to me by my distinguished friend on the other side, but I had to get it after drawing it out of the gentleman who represents the Treasury. This is the letter from the Department of the Treasury:

JANUARY 22, 1930.

DEAR CONGRESSMAN HAWLEY: In response to your oral request of yesterday, I am glad to submit the views of the Treasury with respect to the bill (H. R. 980) to permit the United States to be made a party defendant in certain cases, recently reported by the Committee on the Judiciary of the House of Representatives.

Time does not permit a detailed analysis of the provisions of the bill. Briefly, it provides for the discharge of Federal tax liens through the prescribed judicial procedure.

It would seem from the reports of the committee, during the present and prior Congresses, that its attention had not been called to the provisions of section 3207 (b) of the Revised Statutes.

I say attention has been directed to that and we did not think it worth while to put in any proviso, because, as lawyers, we agreed that our bill did not modify or change section 3207. But to remove doubt we have inserted an amendment, which has been adopted.

The letter continues:

Although the reports state that there is no method under existing law by which a junior Federal lien may be removed, it is believed that the above section, as construed and applied by the Treasury and the courts, affords a direct and reasonably expeditious procedure. The section is of constant use and persons within and without the department have become familiar with it. It would seem very desirable that the pending bill, if enacted, provide specifically that it does not affect in any way the provisions of this section.

I have said I have provided specifically that it shall not touch that, but that section applies only to tax liens, and it took the customary bill, the very bill that originates in the departments, six months before action could be had. It was formerly held in the department that six months had to expire before the answer could be given, but one of the courts has decided that it may be any time within the six months. A man wanting relief has a right to proceed at once and try to get an answer as quickly as possible and should not be compelled to wait.

No doubt there are some difficulties in the removal of Federal tax liens which could be avoided. For example, the cost and delay of judicial procedure could be avoided if section 3186 of the Revised Statutes, as amended by the revenue act of 1928, were further amended to permit an administrative discharge of the Federal lien in any case if, by reason of duly recorded and valid prior liens, the Federal lien is determined to be of no value. This section now authorizes an administrative discharge of Federal tax liens under certain other circumstances.

That we have covered in the amendments we have added. They provide for the administrative discharge of these things.

The Treasury does not believe that the revenues of the Government will be jeopardized in the slightest by the pending bill, or by the Senate bill which was agreed to in conference last Congress but which failed to receive the approval of the President. Quite to the contrary, the Treasury will welcome the enactment of any provision which will afford taxpayers a simple, expeditious, and inexpensive procedure, whether judicial or administrative, for the removal of Federal tax liens. However, it would seem unfortunate indeed if the existing procedure were made more complicated or if any legislation were enacted which might conceivably raise a question as to whether or not the existing procedure remained unaffected.

The Treasury will be glad, of course, to render all possible assistance in connection with any proposed legislation.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. WILLIS C. HAWLEY,
House of Representatives.

Mr. BLOOM. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. BLOOM. How does the United States protect itself in a second lien against any property in case this bill should pass.

Mr. GRAHAM. This bill has been amended so that it does not apply to matters in admiralty. It does not apply to seizures of vessels or things in the prosecution of the enforcement law. They are excepted from its provisions. This relates only to real estate.

Mr. BLOOM. How could the United States protect itself in a subordinate lien against any property if it should go to a foreclosure? If it goes to a foreclosure, if I may be permitted to add to my question, the United States, to protect its second lien, would have to get an appropriation. It could not go in and buy and protect its first mortgage.

Mr. GRAHAM. We would have nothing to do with the detail of how the United States would protect itself. The United States has its status the same as any other second-lien creditor, citizen, or corporation. Why should it be put in a different position?

Mr. BLOOM. The United States is not in the same position, because it can not go in and buy the first lien to protect its second lien. It has not the money or the right to do it.

Mr. GRAHAM. It ought not to do it, either.

Mr. BLOOM. It can not do it.

Mr. GRAHAM. And it will not do it.

Mr. HAWLEY. Mr. Speaker, will the gentleman yield some time to me?

Mr. GRAHAM. Certainly. Mr. Speaker, I yield 15 minutes to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Speaker, when this bill came up originally on the Consent Calendar I asked that it go over. I believe the subject matter of the bill requires legislation. The question at that time before us was whether the bill provided the most expeditious and the best method of releasing property of Government liens arising out of taxes, and so forth. Legislation for the collection of revenue and the enforcement of the revenue laws has heretofore originated in the Committee on Ways and Means, and I have had something to do with it.

I asked the gentleman from Pennsylvania [Mr. GRAHAM] if the Treasury Department, which administers the revenue act, had been consulted in regard to the bill, and if it had been asked to report upon it. I did that with the purpose in view of ascertaining whether that department had examined the bill and approved it as the most direct, expeditious, and least expensive method of solving the problem. There was also the question whether being an isolated piece of legislation it might not affect some other legislation inadvertently. The gentleman from Pennsylvania [Mr. GRAHAM] replied that the Treasury Department had not been consulted and that it had not reported on the bill.

Of course, the departments do not dominate legislation, but they administer all laws that Congress passes, and consequently acquire first hand all the information that there is upon the subject in the enforcement of the law. Departments, agencies created by Congress for the purpose of carrying into effect the legislation we enact, and their experience are invaluable when any modification of legislation is considered. My attention was further directed to this fact, that in a preceding Congress this House passed one bill on this subject, that the Senate amended it and made it an entirely different bill, and that the conferees on the part of the House agreed to the bill as amended by the Senate, and the House passed the bill in that form. So, in one session of Congress, within a few days, as I recall, the House took two diametrically opposed positions on this legislation. It appeared to me that some further inquiry should be made, that some solution ought to be found that would accomplish the purpose, without so much circumlocution, as, in my judgment, was provided in the bill H. R. 980, as reported by the committee. This matter also was in mind.

In the course of the administration of a law levying taxes on millions of people and hundreds of thousands of corporations, tax liens become worthless. They become worthless in counties and States. Under existing law it requires a suit to dispose even of a worthless tax lien. Why resort to the machinery of the courts to dismiss a lien that is known certainly to be of no value? I asked the Department of Justice to send a representative, and the Assistant Attorney General came as a representative sent from the Department of the Treasury, and I also asked the legislative counsel of the House to confer with us. We went over the matter and as a result of that conference we agreed that whenever a tax lien was known to be worthless there should be a way administratively to dismiss that lien; that the Government dismiss all worthless liens, disencumber property of such claims, and let the business of the country proceed in due order. I asked what proportions of the liens are of such character. The Treasury could not state exactly, but I think it was agreed that more than half of them could be disposed of administratively.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Certainly.

Mr. CRISP. Why are they regarded as worthless? Is the property not regarded in the market as worth the first lien?

Mr. HAWLEY. A lien is to be considered as worthless if the property is clearly worth less than the amount of the lien or liens which have priority over the lien of the Government, and the Government could not collect anything on such lien. A great many cases of that kind have already arisen, as, for instance, in Florida. The Committee on the Judiciary have added to the pending bill an amendment for this purpose, in accordance with my suggestion, and contained in House bill 9503, which I introduced yesterday, in order that it might be in printed form for the convenience of the Members.

There was another question, whether section 3207 was not also affected by the legislation. The committee has adopted language that will prevent any adverse construction of section 3207.

Mr. BOWMAN. What is section 3207?

Mr. HAWLEY. Section 3207 relates to the enforcement of liens for the collection of taxes. Subsection (b) provides the method by which a person having a lien on real estate on which a tax lien by the United States is imposed can proceed to action. One provision is that where the commissioner does not file a bill in chancery within six months after request by such person the latter may proceed with his suit. But this has not resulted in delay. The practice of the Treasury is immediately to make a disclaimer, and the person can then proceed to his remedy. Because of the importance of this section, I print it here :

UNITED STATES CODE, TITLE 26

136. Chancery proceedings against real estate: (a) In any case where there has been a refusal or neglect to pay any tax and it has become necessary to seize and sell real estate to satisfy the same the Commissioner of Internal Revenue may direct a bill in chancery to be filed in a district court of the United States to enforce the lien of the United States for tax upon any real estate, or to subject any real estate owned by the delinquent, or in which he has any right, title, or interest, to the payment of such tax. All persons having liens upon or claiming any interest in the real estate sought to be subjected as aforesaid shall be made parties to such proceedings and be brought into court, as provided in other suits in chancery therein. And the said court shall at the term next after the parties have been duly notified of the proceedings, unless otherwise ordered by the court, proceed to adjudicate all matters involved therein and finally determine the merits of all claims to and liens upon the real estate in question, and in all cases where a claim or interest of the United States therein is established shall decree a sale of such real estate by the proper officer of the court and a distribution of the proceeds of such sale according to the findings of the court in respect to the interests of the parties and of the United States.

(b) Any person having a lien upon or any interest in such real estate, notice of which has been duly filed of record in the jurisdiction in which the real estate is located, prior to the filing of notice of the lien of the United States, as provided by section 115 of this title, or any person purchasing the real estate at a sale to satisfy such prior lien or interest, may make written request to the Commissioner of Internal Revenue to direct the filing of a bill in chancery as provided in subdivision (a), and if the commissioner fails to direct the filing of such bill within six months after receipt of such written request such person or purchaser may, after giving notice to the commissioner, file a petition in the district court of the United States for the district in which the real estate is located praying leave to file a bill for a final determination of all claims to or liens upon the real estate in question. After a full hearing in open court the district court may in its discretion enter an order granting leave to file such bill, in which the United States and all persons having liens upon or claiming any interest in the real estate shall be made parties. Service on the United States shall be had in the manner provided by sections 762 and 763 of title 28. Upon the filing of such bill the district court shall proceed to adjudicate the matters involved therein in the same manner as in the case of bills filed under subdivision (a) of this section. For the purpose of such adjudication the assessment of the tax upon which the lien of the United States is based shall be conclusively presumed to be valid, and all costs of the proceedings on the petition and the bill shall be borne by the person filing the bill. (R. S., par. 3207; June 2, 1924, 4.01 p. m., c. 234, par. 1030, 43 Stat. 350.)

I wish you to understand that the committee bill has adopted all of the essential features of the bill which I introduced, except one. The representatives of the Department of Justice, the Treasury Department, and the legislative counsel agree upon H. R. 9503, and, in order to simplify the procedure, they provided that the suit should be initiated in a district court. Under the committee bill, as originally proposed, a suit would be commenced in a State court and then transferred to the United States court and then transferred back from the United States court to a State court, which seems to me to be an unnecessarily expensive and dilatory procedure. In H. R. 9503 a suit is initiated in the Federal court and decided and settled there, and the property sold and the parties who are entitled to any funds are paid.

However, the courts are given discretion. If the suit in the Federal court shows that the tax lien of the United States is valueless, it is dismissed from the Federal court, no Federal interest having been found to exist.

Now, unless a very important provision allowing the administrative dismissal of worthless suits, relieving the courts of that burden and relieving the property immediately of that burden, has been included in the bill reported by the Committee on the Judiciary, I would have offered H. R. 9503 in a motion to recommit, but with that and the other amendments in the bill which the gentleman from Pennsylvania [Mr. GRAHAM] has reported, as amended, and with the provision that section 3207 is not adversely affected, I shall not make a motion to recommit.

Business ought to be relieved of the delays of administering property on which there is a Federal tax lien. It will be of great advantage in many sections of the country. It will enable a more ready transfer of property and a speedier realization of values.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield there?

Mr. HAWLEY. Yes.

Mr. CHINDBLOM. The gentleman has introduced the bill H. R. 9503, which has been described in the manner indicated by him as having been prepared in conference with other officers of the Government. As I understand, the amendment of the Committee on the Judiciary embodies practically all the amendments proposed in the bill H. R. 9503, with the exception of the jurisdiction in which the proceedings might be brought.

Mr. HAWLEY. I understand that is so.

Mr. CHINDBLOM. The bill here transfers jurisdiction from the State court to the Federal court, and then transfers jurisdiction from the Federal court back to the State court for final adjudication, while the gentleman's bill, H. R. 9503, provides that all these proceedings should be in the Federal court?

Mr. HAWLEY. Yes.

Mr. BLOOM. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Certainly.

Mr. BLOOM. I asked the chairman of the committee [Mr. GRAHAM] a question with reference to the chance of the Government to protect itself in a subordinate lien on a piece of property in a case where it would not be within the power of the Government at any time to protect the subordinate lien. If a person wanted to be dishonest, the Government could not come in and protect its lien at any time without first coming to Congress to get an appropriation to buy and protect the first mortgage in order to protect the second mortgage.

Mr. HAWLEY. My understanding is that if the Government has a lien and there is a prior incumbrance on the property——

Mr. BLOOM. If the Government has a subordinate lien——

Mr. HAWLEY. And proceedings are taken to protect the first lien, the Government's case will be considered, and if the property is worth sufficient not only to pay the prior lien or liens but also to pay the Government lien, in whole or in part, the Government would receive payment in whole or in part.

Mr. BLOOM. If the holder of the first lien wanted to be dishonest, he would bid less than what the first lien amounts to, get the property at a low figure, and the Government would get nothing.

Mr. HAWLEY. The Government has no right to bid in the property.

Mr. BURTNESS. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. BURTNESS. So that some of us may understand a little better the relief that is suggested simply as an administrative act and the cases to which it would apply. I understand, for instance, it would apply to a case of this sort: In many States foreclosure by advertisement is permitted, with the right of redemption. Assume that a prior lien is foreclosed, the Government has a junior lien, the time for redemption expires and the purchaser at the foreclosure sale of the prior lien gets title through the foreclosure proceedings under State laws. Presumably in a case of that sort the enforcibility of the Federal lien as a practical proposition has been wiped out, but it is still a cloud on the title. Now, in that sort of a case, could the administrative officers give relief under the amendment that is proposed without going into court in any way?

Mr. HAWLEY. If at any time they find as a matter of fact that the Government lien is valueless they are authorized to release that lien by the pending amendment.

Mr. BURTNESS. And it may become valueless for several reasons, for instance, depreciation in the value of the property, the amount of prior liens foreclosed in legal proceedings, or anything else.

Mr. GRAHAM. The foreclosure the gentleman speaks of could not possibly discharge the Government's lien.

Mr. BURTNESS. I understand it would not be discharged, but, of course, the holder of the property would have been subrogated to the rights acquired under the foreclosure of the prior lien, I take it.

Mr. HAWLEY. In conclusion, since to H. R. 980, the pending bill, there have been included by way of amendments all the substantial provisions of H. R. 9503, the bill I have introduced, except one, I shall support the measure.

I am including in these remarks a copy of H. R. 9503:

A bill to amend section 3207 of the Revised Statutes, as amended

Be it enacted, etc., That section 3207 of the Revised Statutes, as amended, is amended to read as follows:

"SEC. 3207. (a) That in any case in which there is a lien in favor of the United States upon any property, the Attorney General (or the Commissioner of Internal Revenue, in the case of a lien rising out of a neglect or failure to pay any tax) may direct a bill in equity to be filed in a district court of the United States to enforce the lien of the United States. All persons having liens upon or claiming any interest in such property shall be made parties to such proceedings and be brought into court as provided in other suits in equity therein. The court shall, unless it otherwise orders, proceed to adjudicate all matters involved therein and finally determine the merits of all claims to and liens upon such property, and may decree a sale of such property and a distribution of the proceeds or enter such other decree as the court may deem appropriate.

"(b) Any person who has or claims a lien upon or any interest in any such property may make written request to the Attorney General (or to the Commissioner of Internal Revenue, as the case may be) to direct the filing of a bill in equity as provided in subsection (a). If the Attorney General (or the Commissioner of Internal Revenue, as the case may be) notifies such person that he will not direct the filing of such bill, or fails to direct the filing of such bill within three months after receipt of such written request, then such person may, after giving notice to the Attorney General (or the Commissioner of Internal Revenue, as the case may be), file a bill in equity in the district court of the United States for the district in which the property is located to enforce his lien or interest. All persons having liens upon or claiming any interest in such property shall be made parties to such proceedings and be brought into court as provided in other suits in equity therein. Service on the United States shall be had in the manner provided by sections 5 and 6 of the act entitled 'An act to provide for the bringing of suits against the Government of the United States,' approved March 3, 1887, as amended. Upon the filing of such bill the district court shall proceed to adjudicate the matters involved therein in the same manner as in the case of bills filed under subsection (a) of this section. For the purpose of such adjudication, the assessment of the tax, or other claim of the United States, in respect of which the lien of the United States arises shall be conclusively presumed to be valid, and all costs of such proceeding shall be borne by the person filing the bill. This subsection shall not apply in any case in which the lien of the United States is senior to all other liens and encumbrances involved in the proceeding.

"(c) As used in this section, the term 'property' means property and rights to property whether real or personal.

"(d) This section shall not apply to any lien of the United States upon any vessel or vehicle if a violation of the customs, prohibition, narcotic drug, or immigration laws is involved, nor to any maritime or preferred vessel mortgage lien."

SEC. 2. Subsection (c) of section 3186 of the Revised Statutes, as amended, is amended by striking out the period at the end of paragraph (3) and inserting a semicolon in lieu thereof, and by adding the following new paragraph:

"(4) May issue a certificate of release of the lien if the Commissioner of Internal Revenue determines that such lien is of no value."

SEC. 3. If any person has a lien upon any property which has been duly filed of record in the jurisdiction in which the property is located, and a junior lien (other than a lien arising out of a neglect or failure to pay any tax) in favor of the United States attaches to such property, such person may make a written request to the officer of the United States charged with the administration of the laws in respect of which the lien of the United States arises, to have the same extinguished. If, after appropriate investigation, it appears to such officer that the proceeds from the sale of the property would be insufficient to satisfy in whole or in part the lien of the United States, or that the lien of the United States has been satisfied or by reason of lapse of time has become unenforceable, such officer shall so report to the Attorney General who thereupon may in his discretion issue a certificate of release. Such certificate may be recorded and shall be held conclusive that the lien upon the property covered by the certificate is extinguished.

Mr. GRAHAM. Mr. Speaker, I have a few words to add, and then I am going to move the previous question upon the bill. The Hawley bill is cumbersome; the Hawley bill is unfair to the citizen, and puts everything in the hands of the department. It provides that:

Any person who has or claims a lien upon or any interest in any such property may make written request to the Attorney General—

He can not go into court—

or to the Commissioner of Internal Revenue, as the case may be—

That is, whether it is a tax lien or any other lien—

to direct the filing of a bill in equity as provided in subsection (a). If the Attorney General (or the Commissioner of Internal Revenue, as the case may be) notifies such person that he will not direct the filing of such bill, or fails to direct the filing of such bill within three months—

They must wait three months for him to determine whether he is going to file a bill—

after receipt of such written request, then such person may, after giving notice to the Attorney General (or the Commissioner of Internal Revenue, as the case may be), file a bill in equity in the district court of the United States for the district in which the property is located to enforce his lien or interest.

That is the proposition which is submitted in lieu of this simple process if you are foreclosing your mortgage in State courts, and I appeal to every lawyer in this House that the States have almost exclusive jurisdiction in matters of real estate. The State courts have the machinery for administering foreclosures and doing the work that is necessary in handling foreclosures. This Hawley bill would require the establishment of new machinery in the United States courts to carry out the purpose of this act. My friend says our procedure is a costly and expensive procedure. How can it be? It is a simple reference to the judge to ascertain the standing and status of the lien.

Mr. ELLIS. Will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. ELLIS. In the meantime is the jurisdiction of the State court ousted?

Mr. GRAHAM. No. The Federal question is certified to the Federal court, and when the Federal court answers the status of that lien the State court is bound to carry that out in executing its processes.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. LAGUARDIA. Under the gentleman's proposed amendment there are three ways in which the lien may be discharged; first, on the certificate of the Commissioner of Internal Revenue; second, where another department is involved, by reference to the Attorney General; and third, by reference to the Federal court and have the Federal court adjudicate the matter.

Mr. GRAHAM. Yes. The last thing I desire to call attention to is the remark made by the gentleman from Oregon [Mr. HAWLEY] and by the gentleman from Illinois [Mr. CHINDBLOM] in his question to the gentleman from Oregon, that we have simply adopted his bill. Our bill stands just where it stood, with the exception of the one amendment providing that this bill should not change section 3207. When the matter of getting this administrative relief came up between Mr. Alvord and myself I told him I saw no objection to it, but it was not practically related to our bill; nevertheless I would ask the committee to authorize me to introduce just such measures of relief for the department as I thought proper, but it did not affect the question with reference to the United States court and ridding us of a lien. It does not affect that question. As I have stated before, the purpose of this bill is to give greater relief in the handling of this lien question.

Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 6621. An act to extend the times for commencing and completing the construction of a bridge across the water between the mainland at or near Cedar Point and Dauphin Island, Ala.;

H. R. 7642. An act to extend the time for completing the construction of the approaches of the municipal bridge across the Mississippi River at St. Louis, Mo.; and

H. J. Res. 170. Joint resolution providing for a commission to study and review the policies of the United States in Haiti.

The SPEAKER also announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 2086. An act granting the consent of Congress to the Wabash Railway Co. to construct, maintain, and operate a railroad bridge across the Missouri River at or near St. Charles, Mo.; and

S. J. Res. 98. Joint resolution to grant authority for the erection of a permanent building at the headquarters of the American National Red Cross, Washington, D. C.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 14 minutes p. m.) the House adjourned until to-morrow, Thursday, February 6, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, February 6, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m. and 2 p. m.)

Navy Department appropriation bill.

Deficiency appropriation bill.

(2 p. m.)

District of Columbia appropriation bill.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To consider bills concerning aliens from countries of the Western Hemisphere immigrating to the United States.

COMMITTEE ON WAYS AND MEANS

(10 a. m.)

To amend the World War adjusted compensation act, as amended, by extending the time within which applications for benefits thereunder may be filed (H. R. 9102).

Extending for two years the time within which American claimants may make application for payment, under the settlement of war claims act of 1928, of awards of the Mixed Claims Commission and of the Tripartite Claims Commission (S. J. Res. 109).

To extend the jurisdiction of the arbiter under the settlement of war claims act to patents licensed to the United States, pursuant to an obligation arising out of their sale by the Alien Property Custodian (H. R. 9142).

To carry out the recommendation of the President in connection with the late-claims agreement entered into pursuant to the settlement of war claims act of 1928 (H. R. 8881).

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 2

(10 a. m.)

To provide for the procedure in the trial of certain criminal cases by the district courts of the United States (H. R. 1809).

For the relief of the congested conditions in the Federal courts of the United States and conferring jurisdiction on United States commissioners to hear pleas of guilty on information previously filed by the United States district attorney or his deputy and assess punishment as provided for by law, and providing for an appeal by any person aggrieved (H. R. 3139).

To authorize United States commissioners to hear all complaints of misdemeanor violations of the law (H. R. 8579).

To confer upon commissioners of the United States district courts jurisdiction to try and determine misdemeanors, as defined by section 335 of the United States Penal Code adopted March 4, 1909 (H. R. 8756).

To amend the national prohibition act (H. R. 8913).

To provide for summary prosecution of slight or casual violations of the national prohibition act (H. R. 8914).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To amend the World War veterans' act, 1924, as amended (H. R. 8133).

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To consider the disposition of Muscle Shoals.

COMMITTEE ON THE PUBLIC LANDS

(10 a. m.)

To promote the better protection and highest public use of the lands of the United States and adjacent lands and waters in northern Minnesota for the protection of forest products, the development and extension of recreational uses, the preservation of wild life, and other purposes not inconsistent therewith; and to protect more effectively the streams and lakes dedicated to public use under the terms and spirit of clause 2 of the Webster-Ashburton treaty of 1842 between Great Britain and the United States; and looking toward the joint development of indispensable international recreational and economic assets (H. R. 6981).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the Secretary of the Navy to proceed with certain public works at the United States Naval Hospital, Washington, D. C. (H. R. 8866).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

312. A letter from the Acting Secretary of Commerce, transmitting proposed draft of a bill to authorize the Secretary of Commerce to convey to the city of Port Angeles, Wash., a portion of the Ediz Hook Lighthouse Reservation, Wash.; to the Committee on Interstate and Foreign Commerce.

313. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Mouse River, N. Dak., with a view to the control of the floods; to the Committee on Flood Control and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WASON: Committee on Appropriations. H. R. 9546. A bill making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1931, and for other purposes; without amendment (Rept. No. 612). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. 1487. An act authorizing the Secretary of the Treasury to permit the erection of a building for use as a residence for the Protestant chaplain at the National Leper Home at Carville, La., and for other purposes; without amendment (Rept. No. 613). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 2161. A bill to convey to the city of Waltham, Mass., certain Government land for street purposes; with amendment (Rept. No. 614). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on Post Offices and Post Roads. H. R. 5659. A bill to authorize the Postmaster General to charge a fee for inquiries made for patrons concerning registered, insured, or collect-on-delivery mail, and for postal money orders; without amendment (Rept. No. 615). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 7768. A bill to provide for the sale of the old post-office and courthouse building and site at Syracuse, N. Y.; without amendment (Rept. No. 616). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on Post Offices and Post Roads. H. R. 8569. A bill to authorize the Postmaster General to issue additional receipts or certificates of mailing to senders of any class of mail matter and to fix the fees chargeable therefor; with amendment (Rept. No. 617). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on Post Offices and Post Roads. H. R. 8650. A bill to authorize the Postmaster General to charge for services rendered in disposing of undelivered mail in those cases where it is considered proper for the Postal Service to dispose of such mail by sale or to dispose of collect-on-delivery mail without collection of the collect-on-delivery charges or for a greater or less amount than stated when mailed; without amendment (Rept. No. 618). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 8918. A bill authorizing conveyance to the city of Trenton, N. J., of title to a portion of the site of the present Federal building in that city; with amendment (Rept. No. 619). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on Post Offices and Post Roads. H. R. 7395. A bill to extend to Government postal cards the provision for defacing the stamps on Government-stamped envelopes by mailers; without amendment (Rept. No. 620). Referred to the House Calendar.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 9407. A bill to amend the act of Congress approved May 29, 1928, authorizing the Secretary of the Treasury to accept title to certain real estate subject to a reservation of mineral rights in favor of the Blackfeet Tribe of Indians; without amendment (Rept. No. 621). Referred to the House Calendar.

Mr. KELLY: Committee on the Post Office and Post Roads. H. R. 1234. A bill to authorize the Postmaster General to impose demurrage charge on undelivered collect-on-delivery parcels; with amendment (Rept. No. 622). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WASON: A bill (H. R. 9546) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1931, and for other purposes; committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

By Mr. BACHMANN: A bill (H. R. 9547) prescribing the procedure for forfeiture of vessels and vehicles under the customs, navigation, and internal revenue laws; to the Committee on the Judiciary.

By Mr. BACON: A bill (H. R. 9548) to amend certain sections of the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. DRANE: A bill (H. R. 9549) authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station at Brighton, Fla.; to the Committee on Agriculture.

By Mr. QUAYLE: A bill (H. R. 9550) to promote temperance in the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 9551) to amend the national prohibition act; to the Committee on the Judiciary.

Also, a bill (H. R. 9552) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. WHITE: A bill (H. R. 9553) to amend sections 401, 402, and 404 of the merchant marine act, 1928; to the Committee on the Merchant Marine and Fisheries.

By Mr. GARBER of Virginia: A bill (H. R. 9554) authorizing an appropriation of $10,000 for the erection of a monument in memory of Gen. Daniel Morgan, patriot and soldier of the American Revolution, at Winchester, Va.; to the Committee on the Library.

By Mr. HOWARD: A bill (H. R. 9555) granting pensions to certain soldiers who served in the Sioux Indian campaign of 1890–91; to the Committee on Pensions.

By Mr. KELLY: A bill (H. R. 9556) to amend air mail act of February 2, 1925, as amended, further to encourage commercial aviation; to the Committee on the Post Office and Post Roads.

By Mr. MERRITT: A bill (H. R. 9557) to create a body corporate by the name of the Textile Alliance Foundation; to the Committee on Interstate and Foreign Commerce.

By Mr. MEAD: A bill (H. R. 9558) to amend section 4 of the act entitled "An act to create a Department of Labor," approved March 4, 1913; to the Committee on Labor.

Also, a bill (H. R. 9559) to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 9560) to provide for the advance planning and regulated construction of certain public works, for the stabilization of industry, and for the prevention of unemployment during periods of business depression; to the Committee on the Judiciary.

By Mr. SPROUL of Illinois: A bill (H. R. 9561) authorizing the purchase and maintenance of passenger-carrying automobiles for use at post offices having gross receipts of $1,000,000 or more; to the Committee on the Post Office and Post Roads.

By Mr. CARTER of Wyoming: A bill (H. R. 9562) to authorize an appropriation for purchasing 20 acres for addition to the Hot Springs Reserve on the Shoshone or Wind River Indian Reservation, Wyo.; to the Committee on Indian Affairs.

By Mr. BEEDY: A bill (H. R. 9563) to amend section 22, Title II, of the national prohibition act, to provide for citation by publication to relieve congestion of the courts, and for other purposes; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. FITZPATRICK: Memorial of the Legislature of the State of New York memorializing Congress to speedily enact legislation which will prevent the Federal courts from acquiring jurisdiction in local public utility rates cases until the highest court in the State has passed upon them; to the Committee on the Judiciary.

By Mr. GARBER of Virginia: Memorial of the General Assembly of the State of Virginia, requesting the Virginia delegation in Congress to urge the United States Government to build a bridge over the Albemarle and Chesapeake Canal at Pungo Ferry in Princess Anne County, Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. BRUNNER: Memorial of the State Legislature of the State of New York memorializing Congress to speedily enact legislation which will prevent the Federal courts from acquiring jurisdiction in local public-utility rates cases until the highest court in the State has passed upon them; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARENTZ: A bill (H. R. 9564) for the relief of Thomas W. Bath; to the Committee on Military Affairs.

Also, a bill (H. R. 9565) granting a pension to Alma S. Bemenderfer; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 9566) granting a pension to John T. Cooper; to the Committee on Pensions.

By Mr. GARBER of Virginia: A bill (H. R. 9567) to provide for the appointment of William J. Farrell as a warrant officer, United States Army; to the Committee on Military Affairs.

By Mr. HOWARD: A bill (H. R. 9568) for the relief of John M. Green; to the Committee on Claims.

By Mr. HUGHES: A bill (H. R. 9569) granting a pension to Frances Duty; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 9570) granting a pension to John W. Zibble; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 9571) granting an increase of pension to Margaret A. Motz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9572) granting an increase of pension to Annie Castner; to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 9573) granting an increase of pension to Ethe L. Neal; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 9574) granting an increase of pension to Agnes L. Turner; to the Committee on Invalid Pensions.

By Mr. PRALL: A bill (H. R. 9575) for the relief of the New York Marine Co.; to the Committee on Claims.

By Mr. RANKIN: A bill (H. R. 9576) granting a pension to William Theodore Dugard; to the Committee on Pensions.

By Mr. REID of Illinois: A bill (H. R. 9577) for the relief of Oscar Avery Bates; to the Committee on Naval Affairs.

By Mr. SIMMONS: A bill (H. R. 9578) granting an increase of pension to Anna D. Bush; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 9579) granting an increase of pension to Harriet Sheaffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9580) granting an increase of pension to Hannah S. Hinman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9581) granting an increase of pension to Mary J. McCommon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9582) granting an increase of pension to Ellen J. Norris; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 9583) granting a pension to Caroline Richards Newcomb; to the Committee on Pensions.

By Mr. THURSTON: A bill (H. R. 9584) granting an increase of pension to Sarah E. Arnold; to the Committee on Invalid Pensions.

By Mr. ARENTZ: A bill (H. R. 9585) granting a pension to Joseph I. Earl; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4107. By Mr. AYRES: Petition from Wichita, Kans., favoring legislation in behalf of Spanish War veterans; to the Committee on Pensions.

4108. By Mr. BAIRD: Petition of the American Legion Auxiliary, national executive committee, favoring ship for ship parity before committing our Government to naval reductions; to the Committee on Naval Affairs.

4109. By Mr. BLOOM: Petition of citizens of New York for speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

4110. By Mr. BRUNNER: Resolution of Jamaica Council, No. 337, Knights of Columbus, Jamaica, N. Y., protesting and disapproving of bill known as the Capper-Robsion Federal education bill, and urgently soliciting the cooperation of Representatives in Congress assembled to register their vote in disapproval of said bill; to the Committee on Education.

4111. By Mr. CHALMERS: Petition urging the enforcement of the laws enacted to make the eighteenth amendment to the Federal Constitution effective. This petition was signed by residents of Toledo, Ohio; to the Committee on the Judiciary.

4112. By Mr. CHINDBLOM: Petition of Martin Braun and 25 other citizens of Wilmette, Ill., and vicinity, indorsing House bill 2562 and Senate bill 476 providing increased pensions for Spanish-American War veterans; to the Committee on Pensions.

4113. By Mr. CONNOLLY: Petition of members of Lieut. Henry T. Dechert Camp, No. 80, United Spanish War Veterans, and others, of Philadelphia, Pa., urging early consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

4114. Also, petition of Philadelphia Drug Exchange, representing the wholesale and manufacturing drug, chemical, and allied industries of Philadelphia, Pa., and vicinity protesting against that portion of House bill 8574 creating a dual responsibility between the Treasury Department and the Department of Justice for the issuance of permits for industrial alcohol, urging the present system remain under the Treasury Department; to the Committee on Expenditures in Executive Departments.

4115. Also, petition of sundry citizens of Philadelphia, Pa., urging early consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

4116. By Mr. COOPER of Wisconsin: Memorial of common council of city of Milwaukee urging enactment of House Joint Resolution 167, authorizing and directing the President to proclaim October 11 of each year as General Pulaski's memorial day; to the Committee on the Judiciary.

4117. By Mr. CORNING: Petition signed by Frank Kellerman and other citizens of New Scotland, Albany County, N. Y., urging passage of House bill 2562 providing for an increase of pension to Spanish-American War veterans; to the Committee on Pensions.

4118. By Mr. CROSS: Petition of McLennan County Spanish War veterans, urging the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

4119. By Mr. CROWTHER: Petition of residents of Schenectady, Troy, and Albany, N. Y., in behalf of House bill 2562; to the Committee on Pensions.

4120. By Mr. DAVENPORT: Petition of James Jordan, of Frankfort, N. Y., and others, favoring increased pensions to veterans of the Spanish-American War; to the Committee on Pensions.

4121. By Mr. DE PRIEST: Petition of 50 citizens of the first congressional district of Illinois, favoring legislation increasing pensions of men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

4122. By Mr. DRANE: Petition of citizens of the first district of Florida in support of additional pension legislation, House bill 2562 and Senate bill 476; to the Committee on Pensions.

4123. By Mr. DOUGHTON: Petition of citizens of Cabarrus County, N. C., requesting enactment of an amendment to present law to extend the date of service-connected disability allowance to January 1, 1930; to the Committee on World War Veterans' Legislation.

4124. By Mr. EATON of New Jersey: Resolutions of Progressive American Council, Sons and Daughters of Liberty, of Hopewell, N. J.; and Ray of Shining Light Council, Sons and Daughters of Liberty, of Clinton, N. J., favoring the placing of North and South American countries under immigration quota restriction; to the Committee on Immigration and Naturalization.

4125. By Mr. ENGLEBRIGHT: Petition of William E. Teal and other citizens of Dutch Flat, Calif., urging more adequate relief for the veterans of the Spanish-American War; to the Committee on Pensions.

4126. Also, petition of Colorado Chapter of the American Mining Congress and the Colorado Mining Association, favoring proposed cession of nonappropriated and nonreserved public lands to the various States, etc.; to the Committee on the Public Lands.

4127. Also, petition of the Colorado Chapter of the American Mining Congress and the Colorado Mining Association, to liberalize rules of Department of the Interior so as to conform to the spirit of the Federal Statutes governing acquisition of mineral lands, etc.; to the Committee on the Public Lands.

4128. Also, petition of the Colorado Chapter of the American Mining Congress and the Colorado Mining Association, condemning bill introduced by Senator NORBECK, which provides that mining locations hereafter made within forest reserves shall give the locator no title to the surface or to any natural resources other than the mineral deposit itself; to the Committee on the Public Lands.

4129. Also, petition of the Colorado Mining Association and the Colorado Chapter of the American Mining Congress, approving Senator KEY PITTMAN for proposed amendment to the tariff bill to impose a duty of 30 cents per ounce on silver imported into this country; to the Committee on Ways and Means.

4130. By Mr. FISHER: Petition of sundry citizens of Memphis, Tenn., praying for the passage of legislation granting increased pension to Spanish War veterans; to the Committee on Pensions.

4131. By Mr. FRENCH: Petition of 43 citizens of Sandpoint, Idaho, indorsing House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

4132. By Mr. FULMER: Petition of Camp No. 8, United Spanish War Veterans of South Carolina; C. B. Yeadon, commander; J. A. Raffield, mayor of the city of Sumter, S. C.; R. B. Waters, secretary board of trade, Sumter, S. C., urging passage of House bill 2562; to the Committee on Pensions.

4133. By Mr. FULLER: Petition of Thomas W. Bartlett and other citizens of Hilltop, Ark., urging the passage of House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

4134. By Mr. HAMMER: Petition of 43 persons of Anson County, N. C., asking for more liberal pension legislation for Spanish-American War veterans; to the Committee on Pensions.

4135. By Mr. HAWLEY: Petition of resident citizens of Goble, and Coquille, Oreg., praying for pension legislation; to the Committee on Pensions.

4136. Also, petition of the people of Creswell, Oreg., praying for pension legislation for the relief of Spanish War veterans; to the Committee on Pensions.

4137. By Mr. HILL of Washington: Petition of A. Holm and 28 other citizens of Winton, Wash., asking for speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increase of pensions to Spanish War veterans; to the Committee on Pensions.

4138. By Mr. HOPKINS: Petition submitted by Mr. Elmer Delp, of 806 Twenty-fourth Street, St. Joseph, Mo., signed by many citizens of St. Joseph, petitioning for a more equitable adjustment of the laws governing our Spanish War veterans; to the Committee on Pensions.

4139. By Mr. HUDDLESTON: Petition of numerous residents of Jefferson County, Ala., in favor of more liberal pensions for Spanish War veterans; to the Committee on Pensions.

4140. By Mr. HUDSON: Petition of citizens of the sixth congressional district of Michigan urging favorable consideration of House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

4141. By Mr. HULL of Wisconsin: Resolution of Common Council of city of La Crosse, Wis., favoring legislation granting pensions and increasing pensions of certain soldiers, sailors, and nurses of the war with Ppain, the Philippine insurrection, and China relief expedition; to the Committee on Pensions.

4142. Also, resolution of Roy L. Vingers Post, American Legion, La Crosse, Wis., favoring legislation granting pensions and increasing pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, and the China relief expedition; to the Committee on Pensions.

4143. Also, petition of citizens of Vernon County, Wis., favoring legislation increasing pensions of veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

4144. Also, petition of citizens of Thorpe, Wis., favoring legislation increasing pensions of veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

4145. By Mr. JOHNSON of Texas: Petition of Mr. W. T. Watkins, president, and Mr. J. B. Cropper, secretary of Carpenters Local Union, No. 213, of Houston, Tex., indorsing the John C. Box immigration bill; to the Committee on Immigration and Naturalization.

4146. By Mr. KVALE: Petition of Department of Minnesota, United Spanish War Veterans, urging passage of House bill 2562; to the Committee on Pensions.

4147. By Mr. LEECH: Petition of citizens of Johnstown, favoring the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

4148. By Mr. McMILLAN: Petition of citizens of Jacksonboro, S. C., urging the passage of House bill 2562, granting an increase of pension to Spanish-American War veterans; to the Committee on Pensions.

4149. By Mr. MEAD: Petition of New York State Legislature, favoring enactment of legislation preventing action by the Federal courts in respect to public utilities; to the Committee on the Judiciary.

4150. By Mr. MICHENER: Petition of sundry citizens of Milan, Mich., favoring the passage of House bill 2562; to the Committee on Pensions.

4151. By Mr. MURPHY: Petition of Mr. Barton Jones, Tiltonville, Ohio, and 122 other residents of that city, asking for the passage of the Spanish-American War pension bill; to the Committee on Pensions.

4152. By Mr. PRALL: Petition received from citizens of Staten Island, N. Y., for the speedy consideration and passage of House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States; to the Committee on Pensions.

4153. By Mr. HENRY T. RAINEY: Petition signed by Earle Williams and other citizens of Rockbridge, Ill., asking for increased pension rates to men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

4154. By Mr. SHAFFER of Virginia: Petition of citizens of the State of Virginia, urging the passage of Senate bill 467 and House bill 2562, granting an increase of pension to Spanish-American War veterans; to the Committee on Pensions.

4155. By Mr. SPEAKS: Petition signed by 60 citizens of Columbus, Ohio, urging speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

4156. By Mr. SPROUL of Illinois: Petition of 127 citizens of Cook County, Ill., urging increased pensions for Spanish-American War veterans; to the Committee on Pensions.

4157. By Mr. WOLVERTON of West Virginia: Petition of Benton C. Radabaugh and citizens of Hall, H. A. Darnall and citizens of Buckhannon, Charles J. Loudin and citizens of Alton, and other citizens of Upshur, Lewis, Harrison, and Ritchie Counties, W. Va., urging Congress to take speedy and favorable action on Senate bill 476 and House bill 2562, providing increased pension schedule for the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

4158. By Mr. WOOD: Petition of citizens of Gary, Ind., asking for legislation increasing the rates of pension for Spanish-American War veterans; to the Committee on Pensions.

4159. Also, petition of citizens of Lafayette, Ind., asking for legislation increasing the rates of pension for Spanish-American War veterans; to the Committee on Pensions.

4160. By Mr. WYANT: Petition of Irwin Council, No. 44, Junior Order of United American Mechanics, Irwin, Pa., advocating passage of legislation placing Mexican immigration on quota basis, making The Star-Spangled Banner the official national anthem, and opposing the repeal of the national-origins clause of the immigration law; to the Committee on Immigration and Naturalization.

4161. By Mr. YATES: Petition of Harvey J. Sconce, Danville, Ill., urging that in order to bring about relative reduction of acreage of corn, wheat, and oats, farmers must have adequate tariff protection against foreign importation—namely, import duty of 45 cents per bushel on soybeans and $6 per ton on soybean meal; to the Committee on Ways and Means.

SENATE

THURSDAY, *February 6, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

HON. WILLIAM H. TAFT, FORMER CHIEF JUSTICE OF THE UNITED STATES

Mr. HARRIS. Mr. President, I submit a resolution, and ask unanimous consent for its immediate consideration after it is read.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 207) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That it was with deep regret that the Members of the Senate learned of the serious illness of former Chief Justice Taft, and it is hoped that he will soon be restored to health.

PILGRIMAGE OF GOLD-STAR MOTHERS

Mr. JONES. Mr. President, I have in charge three deficiency measures which have recently passed the House and which are rather urgent in their nature. I think it will take only a moment or two to dispose of them.

From the Committee on Appropriations, I report back favorably, without amendment, the joint resolution (H. J. Res. 242) making an appropriation to carry out the provisions of the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved March 2, 1929. I ask unanimous consent for the immediate consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,386,367, to remain available until December 31, 1933, to enable the Secretary of War to carry out the provisions of the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved March 2, 1929 (45 Stat. 1508), and any acts amendatory thereof and supplementary thereto, including reimbursement of the appropriations of the War Department of such amounts as have been or may be expended therefrom in the administration of such act, and for such additional employees in the office of the Quartermaster General of the Army as the Secretary of War may deem necessary.

Mr. HARRIS. Mr. President, I am very much in favor of the joint resolutions reported by the chairman of the Appropriations Committee, particularly the one relating to the gold-star mothers. I presented to the Committee on Appropriations an amendment providing that those mothers who do not go abroad shall be allowed payment of the amount which it would have cost to send them had they gone. The amendment is subject to a point of order, and I shall not take the time of the Senate for a discussion of it to-day, but I have a bill providing for that payment, which is now pending before the Committee on Military Affairs, and I hope to have consideration of it soon, as I think it is a very important measure. There are many gold-star mothers without homes and comforts; some are really needy, while others are not strong enough to take the trip, and we should not discriminate against any of them. The amount it would cost the Government to send one of these gold-star mothers would build a small cottage and give other comforts. Of course, my plan would not deprive these mothers of the